

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.206

**CRM NO. M-16452 of 2016
DECIDED ON: August 23, 2016**

NARESH KUMAR

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jitender Dhanda, Advocate,
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

JASPAL SINGH, J. (ORAL)

This is a petition preferred by the petitioner-Naresh Kumar under Section 438 Cr.P.C. seeking pre-arrest bail in case FIR No. 84, dated February 27, 2016, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Fatehabad, District Fatehabad.

While issuing notice of motion, following order was passed by a coordinate Bench of this Court on May 12, 2016:-

“Petitioner seeks concession of pre-arrest bail in case FIR No. 84 dated 27.02.2016, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station City Fatehabad.

Counsel contends that as per prosecution version, the alleged recovery is of 5½ grams of smack from Sumit.

Present petitioner is sought to be implicated on the disclosure statement of Sumit who had stated that he had purchased the same from the petitioner.

Notice of motion, returnable for 23.08.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

On instructions from ASI Ramesh Kumar, learned State counsel has submitted that the petitioner has already been joined the investigation and he is no more required for further interrogation.

Taking into consideration the above facts of the case, instant petition is allowed. Interim order dated May 12, 2016 is made absolute, subject to the conditions, as envisaged under Section 438(2) Cr.P.C.

August 23, 2016

Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No