

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

CRM-M -30531 of 2016 (O&M)
Date of decision: 25.10.2016

Nishan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Dhaliwal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Jai Bhagwan.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.0183 dated 15.08.2016, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Cheeka, District Kaithal.

On 31.08.2016, this Court had passed the following order:-

“It is contended that the petitioner was not arrested from the spot. The alleged recovery is marginally above the small quantity otherwise also, the quantity allegedly recovered from the petitioner is non-commercial. The petitioner is presently not involved in any other case under Narcotic Drugs and Psychotropic Substances Act (for short

'NDPS Act'). The Investigating Officer, who carried out the search upon the petitioner, failed to comply with the mandatory provisions of NDPS Act.

Notice of motion.

At this stage, Mr. Saurabh Mohunta, DAG, Haryana accepts notice on behalf of respondent-State. A complete set of paperbook has been handed over to him in the Court.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3. That he shall not leave India without previous permission of the Court.*

Post again on 25.10.2016.”

It is contended that in pursuance of the order dated 31.08.2016, the petitioner has joined the investigation

The learned State counsel, on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide

order dated 31.08.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

25.10.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
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Whether Reportable:	Yes	No
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