

AT CHANDIGARH

CRM-M-33129-2016

Date of decision: November 08, 2016

Savin and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Deepak Aggarwal, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana
for the respondent-State.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition has been preferred under Section 438 of the Code of Criminal Procedure, petitioners have sought bail, in case bearing FIR No.475, dated 08.08.2016, under Sections 15 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Samalkha, District Panipat.

At the time of issuance of notice of motion vide order dated September 19, 2016, the following order was passed:-

“Inter-alia, it has been contended by learned counsel for the petitioners that the instant case has been registered on the basis of a secret information and petitioners were not arrested at the spot at the time of raid was allegedly conducted by the police. However, co-accused of the petitioners namely Kuldeep and Deepak were arrested at the spot and recovery of 6 kg. poppy-husk has been effected. Learned counsel further contends that petitioners are ready to join the investigation and to cooperate with the Investigating Agency.

Notice of motion for 08.11.2016.

In the meanwhile, petitioners are directed to join the investigation. In the event of arrest, petitioners shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C ”

Learned State counsel on instructions from ASI Hawa Singh, has submitted that petitioners have already joined the investigation in compliance of the order dated September 19, 2016 and they are no more required for further interrogation/investigation.

In view of the aforesaid facts, order dated September 19, 2016 is made absolute, subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

- 1) that the petitioners shall make themselves available for interrogation by a police officer as and when required;*
- 2) that the petitioners 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 them from disclosing such facts to the Court or to any police officer;*
- 3) that the petitioners shall not leave India without the previous permission of the Court.*

November 08, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No