

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

**CRM-M No.6629 of 2019 (O&M)
Date of Decision : 03.05.2019**

Raju @ Rajwinder Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: None for the petitioner.

Mr. Surender Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.95 dated 05.05.2018 registered under Section 17 of NDPS Act, 1985 at Police Station Ellenabad, District Sirsa.

On 14.02.2019 the following order was passed:-

“Learned counsel for the petitioner submits that the name of the petitioner was not mentioned in the FIR and he has been implicated on the basis of disclosure statement made by co-accused. The FSL report has not been received so far. There was no connecting evidence to show that the alleged contraband was to be delivered to the petitioner. Neither the truck belongs to the petitioner nor he was a driver. He was not present at the

*place of occurrence. No other case under the NDPS Act is there against the petitioner. Learned counsel also submits that the petitioner is entitled for interim bail as granted to main accused, namely, Sukhdev Singh and another, who filed **CRM-M No.35521 of 2018**.*

Notice of motion for 26.03.2019.

Meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, in case, the FSL report has not been received. He shall join the investigation as and when required by the Arresting Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner 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;

(iii)that the petitioner shall not leave India without the prior permission of the Court.”

Learned State counsel on instructions from ASI Rajesh accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 14.02.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

03.05.2019
pooja sharma-I

(**AJAY TEWARI**)
JUDGE

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