

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

**CRM-M No.39708 of 2018 (O&M)
Date of Decision: 29.01.2019**

Krishan Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vinod Bhardwaj, Advocate for the petitioner.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.244 dated 11.09.2017, under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Parao, Ambala Cantt. District Ambala.

This Court, while issuing notice of motion on 12.09.2018, passed the following order:-

“ *Heard.*

Learned counsel for the petitioner submits that petitioner was not named in the FIR and has been nominated in this case on the disclosure statement of co-accused, who alleged that he had supplied opium to him for sale in the market. Custodial interrogation of the petitioner is no more required to ascertain the above fact.

Notice of motion for 11.12.2018.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him. ”

Today, learned Counsel for the petitioner submits that the petitioner has joined the investigation in terms of order dated 12.09.2018 and his custodial interrogation is no longer required.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Kushal Lal.

In view of above, interim order dated 12.09.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The observations may not be considered as an expression of opinion on the merits of the case.

January 29, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No