

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

**CRM-M-21620-2019**

**Date of decision-07.11.2019**

**Kamal Soni**

**...Petitioner**

**Vs.**

**State of Haryana**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

**\*\*\***

**MANOJ BAJAJ, J. (Oral)**

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.128 dated 11.03.2019 under Section 21-B of Narcotic Drugs and Psychotropic Substances Act, 1985 Act registered at Police Station City, Fatehabad, District Fatehabad. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 13.05.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“Learned counsel for the petitioner contends that the alleged recovery of contraband was effected from two persons namely Baljeet @ Bali, Vicky @ Chotiya. The petitioner was neither present on the spot at the time of this chance recovery nor there is anything else to connect him to the alleged crime except the disclosure statement*

*suffered by the accused person which is not admissible in evidence.*

*Notice of motion for 17.09.2019.*

*In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”*

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by HC Jai Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from HC Jai Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 13.05.2019 is made absolute.

**(MANOJ BAJAJ)**  
**JUDGE**

**07.11.2019**

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|--------|-----------------------------|-----|----|
| vanita | Whether speaking/reasoned : | Yes | No |
|        | Whether Reportable :        | Yes | No |