

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30766-2019

Date of Decision: 20.11.2019

Dinesh Kumar

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashok Kumar Sharma, 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 a case FIR No.155 dated 28.06.2019 under Section 22(c) NDPS Act, 1985, registered at Police Station Ratia, 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 19.07.2019 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 FIR No.155 dated 28.6.2019, under Section 22(c) of NDPS Act, 1985, registered at Police Station Ratia, District Fatehabad is founded on the secret information, and the alleged narcotic substance was recovered from the possession of Buta Singh. Learned counsel further contends that it was on the basis of disclosure statement of Buta

Singh that he procured the alleged contraband/tablets from petitioner Dinesh Kumar, he has been indicted in the present case. He submits that the said statement may not be admissible in evidence.

Notice of motion for 20.11.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of 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 Amarjeet does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from HC Amarjeet 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 19.07.2019 is made absolute.

20.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE