

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

**CRM-M No.64561 of 2018 (O&M)  
Date of Decision: 15.02.2019**

Deepu @ Deepak

..... Petitioner

*Versus*

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. Rahul Vats, Advocate for the petitioner.

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

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**MAHABIR SINGH SINDHU, J. (Oral)**

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.636 dated 25.11.2018, under Section 21 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Ratia, Distrit Fatehabad.

This Court, while issuing notice of motion on 27.12.2018, passed the following order:-

*“ Petitioner seeks concession of pre-arrest bail in FIR No.636 dated 25.11.2018 under Section 21(B) of Narcotic Drugs And Psychotropic Substances Act, 1985, registered at Police Station, Sadar Ratia, District Fatehabad, Haryana.*

*Counsel submits that even as per prosecution version the alleged recovery of 7 gms. of heroin was made from co-accused Raju. Petitioner was not even present at the spot and as such no recovery was effected from him. Petitioner is sought to be implicated only on the statement of co-accused Raju wherein he has stated that he has purchased the contraband from him.*

*It is the categoric submission made by counsel that petitioner is not involved in any other case under the NDPS Act. Notice of motion returnable for 15.02.2019.*

*In the meanwhile, petitioner is directed to join investigation.*

*In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C. ”*

It is contended by learned Counsel for the petitioner that in pursuance of the above order, petitioner has already joined the investigation and his custodial interrogation is no longer required. Further contended that petitioner is not involved in any other case.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from H.C. Bahadur Singh.

In view of above, interim order dated 27.12.2018 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.

**February 15, 2019**

Gagan

**( MAHABIR SINGH SINDHU )  
JUDGE**

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|----------------------------------|------------|
| <i>Whether speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether Reportable</i>        | <i>No</i>  |