

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16795 of 2020(O&M)
Date of Decision : 13.10.2020

Avtar Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Navneet Jindal, Advocate
for the petitioner.

Kanwar Sanjiv Kumar, AAG, 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.49 dated 02.03.2020, under Section 21 of NDPS Act, registered at Police Station, Kalanwali, District Sirsa, Haryana. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 29.06.2020, 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 8.45 grams of heroin was recovered from accused Sandeep and on his disclosure statement petitioner was indicted as an accused. It is further pointed out that in a similar manner, the petitioner was made an accused in case FIR No.38 dated 15.02.2020 under Section 21 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kalanwali, District Sirsa. Learned counsel further submits that in the other case also the petitioner was made an accused on the basis of disclosure of accused Baljit.

Notice of motion for 13.10.2020.

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 does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Kishori Lal, 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 29.06.2020 is made absolute.

Petition stands disposed off.

13.10.2020
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No