

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203)

CRM-M-23622 of 2020

Date of Decision:10.11.2020

Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Rajesh Lamba, Advocate, for the petitioner.
Mr. B.S. Virk, DAG, Haryana

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

On 20.08.2020, the following order had been passed:

“Petitioner-Vicky, stated to be aged 25 years, has filed the present petition inter alia praying for grant of anticipatory bail in case FIR No.86 dated 08.03.2020 under Sections 21(b) and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bhuna, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and he is only named in the disclosure statement. The alleged recovery of 8.26 grams of heroin, is from co-accused/ Deepak @ Deep, which is slightly above the small quantity. The petitioner was stated to be involved in another FIR as noticed by the Additional Sessions Judge, in its order dated 03.06.2020. To this, learned counsel for the petitioner submits that the petitioner is shown to be an addict in FIR No. 499 dated 14.12.2019.

Notice of motion.

On the asking, Mr. Rajiv Goel, DAG, Haryana, accepts notice on behalf of State through video conferencing. Learned State counsel is not disputing the factual position, however, opposes the bail on merit.

Counsel for the petitioner submits that the petitioner is ready to join the investigation. He submits that because of COVID situation also, retention of the petitioner behind the bars would be dangerous to his life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioner to join the investigation and appear before the Investigating Officer.

List on 10.11.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) CrPC.”

Today, learned State counsel, on instructions, submits that the petitioner has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereafter, in the context of the FIR in question, he would be

given 7 days notice before arrest, duly shown to be served upon him.

10.11.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No