

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201)

CRM-M-31868 of 2020

Date of Decision:10.11.2020

Manish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Amit Choudhary, 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 October 09, 2020, the following order had been passed:

“All 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.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.430, dated 23.9.2020, having been registered at Police Station City Tohana, District Fatehabad, alleging therein the commission of an offence punishable under Section 21(b) of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been allegedly named as an accused in the disclosure statement of the person who was apprehended with 15.2 grams of heroin (as per the case of the investigating agency), which also is non-commercial quantity.

Upon query, he submits that there is no other criminal case registered against the petitioner.

Notice of motion.

Mr. Deepak Bhardwaj, learned DAG, Haryana, accepts notice at the asking of the court and submits that he has not received any instructions in the matter.

That being so, the petitioner is directed to join investigation and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 10.11.2020.”

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