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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39956-2019
Date of decision : 14.01.2020

PANKAJ KUMAR
...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sushil Kumar Verma, Advocate
for the petitioner
Mr. B.S.Virk, DAG, Haryana.

VIVEK PURI, J. (ORAL)

Present petition under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 551 dated 29.08.2019, under Section(s) 21 of Narcotics Drugs and Psychotropic Act, 1985, registered at Police Station City Sirsa.

On 19.09.2019, following order was passed.

“Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner, namely Pankaj Kumar in case FIR No. 551 dated 29.08.2019, registered under Section(s) 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as “the Act”) at Police Station City, Sirsa.

Learned counsel for the petitioner contended that the alleged recovery of 10 grams of heroin was not effected from the petitioner, rather it was effected from the possession of his co-accused, namely Rajesh alias Gogi, who made statement that the said heroin was purchased from the petitioner, which is factually incorrect. Learned counsel further contended that petitioner is not involved in any other case under the Act and he is ready to join the investigation.

Notice of motion.

On asking of the Court, Mr. Ashish Sanghi, Deputy Advocate General, Haryana accepts notice on behalf of the respondent. A copy of paper-book be provided to him during the course of the day.

List on 16.11.2019.

Meanwhile, petitioner(s) is directed to join the investigation. In the event of arrest, petitioner(s) shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner(s) will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”.

It has been stated by the learned counsel for the petitioner that he has joined investigation in pursuance of the interim directions issued by this Court on 19.09.2019.

Learned State counsel on instructions from ASI Atma Ram has stated that he has not disputed the aforestated position.

In any case, since the petitioner is stated to have joined investigation, this Court finds that it is not a case, which would warrant custodial interrogation. The petition is allowed and the interim directions issued by this Court vide order dated 19.09.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.01.2020

Pardeep

(VIVEK PURI)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No