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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42448-2019
Date of decision-24.02.2020

Rohtash

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arpandeeep Narula, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.317 dated 16.09.2019 under Sections 21, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Civil Lines, District Sirsa. 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 03.10.2019 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 the recovery was effected from accused Kuldeep Singh @ Foji who was travelling with Shamsher Singh @

Shera and it was on their disclosure, the petitioner was indicted as an accused on the ground that the recovered contraband was purchased from the petitioner.

Notice of motion for 24.02.2020.

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 who is assisted by ASI Radhey Shyam does not dispute this fact that the petitioner has joined the investigation and he 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 03.10.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

24.02.2020

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No