

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43063-2019

Date of Decision: 22.01.2020

Karnail Singh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Parveen Bhadu, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.112 dated 18.06.2019 under Section 15 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Ambala, District Ambala. He apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 04.10.2019 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 at the time of recovery of 31 kilograms of poppy husk, accused Gulshan, Parveen and Sunny were arrested on the spot and subsequently on their statements, the petitioner was indicted in this case. He submits that the petitioner is not involved in any other similar case and in the given facts, custodial interrogation of the petitioner may not

be required.

Notice of motion for 22.1.2020.

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 Ram Samaj does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Ram Samaj 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 04.10.2019 is made absolute.

22.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No