

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-899-2020

Date of Decision : 08.09.2021

JAGJEEWAN SINGH

...Petitioner

versus

STATE OF HARYANA

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : None for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 428 dated 09.12.2019, registered under Sections 21/61, NDPS Act at Police Station Civil Lines Sirsa, District Sirsa.

3. On 10.01.2020, the following order was passed:-

“ The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.428 dated 09.12.2019 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Civil Lines Sirsa, District Sirsa.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case on the basis of disclosure statement of co-accused who stated that the petitioner had given him Rs.80,000/- for purchasing heroin. The petitioner was not named in the FIR and was not arrested at the spot. Section 37(1)(b) of the NDPS Act is not applicable. The petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, AAG, Haryana accepts notice on behalf of the

respondent-State. Copy of the paper book has been supplied to the learned State counsel, who seeks time to complete his instructions.

Adjourned to 26.02.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on his furnishing of bail bonds to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him. ”

4. Today, although learned counsel for the petitioner is not present but learned State counsel on instructions from *ASIRan Singh* confirms that pursuant to the order of this Court dated 10.01.2020, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 10.01.2020, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

08.09.2021

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<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>