

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7370 of 2019
Date of Decision :12.08.2021

Harish Kumar

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. J.S. Dhaliwal, Advocate for the petitioner.
Mr. Anmol Malik, DAG, Haryana.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

Vide this petition under Section 438 of Cr.P.C. the petitioner prays for an anticipatory bail in FIR No.27 dated 02.02.2019, under Sections 21 of Narcotic Drugs & Psychotropic Substances Act, 1985 registered at Police Station City Dabwali, District Sirsa.

Upon hearing the learned counsel for the petitioner this court vide order dated 22.04.2019, had released the petitioner on interim bail:-

“Learned counsel for the petitioner contends that the name of the petitioner is being involved only on the basis of alleged disclosure statement of co-accused, who is alleged to have disclosed to the Police that the material which was recovered from him; was purchased by him from the present petitioner. The allegation against the petitioner is totally concocted. In fact, prior to the present FIR, another FIR was concocted by the same Police Station on 22.01.2019. But the Court of Additional Sessions Judge, Sirsa had granted protection to the petitioner against his

arrest, with a direction to him to join the investigation within seven days. However, before expiry of those seven days, present FIR was concocted by the Police, just to ensure that the petitioner is not able to join investigation under the protection granted to him in another FIR.

Adjourned to 01.08.2019.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned State counsel, on the instructions of ASI Sandeep, submits that pursuant to the order dated 22.04.2019 (*ibid*) the petitioner had joined the investigation. He is not required for any custodial interrogation.

In the wake of the above, the order dated 22.04.2019 is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. and shall join the investigation as and when called upon to do so.

The petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

12.08.2021
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No