

208 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-13516-2021

Date of Decision : 23.08.2021

FALYAZ ALAM

...Petitioner

**versus**

STATE OF HARYANA

....Respondent

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

Present : Mr. Himanshu Arora, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana

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**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. 343 dated 17.12.2019, registered under Sections 20(B), 2 (b) 65-85 of the Narcotics Drugs and Psychotropic Substances Act, 1985 at Police Station Sector 37, Gurugram.
3. On 24.03.2021, the following order was passed:-

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

Learned counsel contends that the petitioner has been implicated in the instant case on the basis of disclosure statement of co-accused, Mohd. Sakib, from whom, recovery of 6 kg 23 grams of ganja, was made and who on arrest disclosed that he had purchased the ganja from the petitioner for Rs.60,000/-. Learned counsel contends that apart from the disclosure statement, there is no other material to connect the petitioner with the commission of the offence, besides co-accused, Mohd. Sakib, has already been released on bail vide order dated 19.02.2020. Learned counsel

*contends that there is no other case registered against the petitioner and the petitioner is ready and willing to join investigation as and when required and to fully cooperate with the police.*

*Notice of motion.*

*Mr. Vivek Chauhan, Addl. A.G., Haryana, accepts notice on behalf of the respondent and requests for an adjournment to obtain instructions and to file reply.*

*Adjourned to 04.05.2021.*

*In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail subject to his furnishing bail bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438 (2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”*

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *ASI Sanjay Kumar* confirms that pursuant to the order of this Court dated 24.03.2021, 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 24.03.2021, 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 read as an expression of opinion on the merits of the case.

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

**(B.S. Walia)**  
**Judge**

**23.08.2021**

*rajesh*