

Ajay

...Petitioner

versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. R.S. Mamli, Advocate 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.0121 dated 16.03.2021, registered under Section 21(b) NDPS Act, 1985 to which Section 27-A of NDPS Act was added later on at Police Station City Tohana, District Fatehabad.
3. On 08.04.2021, the following order was passed:-

“ Learned counsel contends that the petitioner has been implicated in the instant case on the disclosure statement made by co-accused Gurmeet @ Amit from whom on his arrest on 16.03.2021, 5.30 gms of heroin was recovered and who stated that the same had been supplied to him by the petitioner. Learned counsel contends that apart from the disclosure statement, there is no other material to connect the petitioner with the commission of offence, there is no other case registered under the NDPS Act against the petitioner, besides, he is ready and willing to join investigation and fully cooperate with the police.

Notice of motion.

Mr. Vivek Chauhan, Addl. AG, Haryana accepts notice on behalf of the State and requests for time to file reply.

Adjourned to 11.05.2021.

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 *ASIMohinder Singh* confirms that pursuant to the order of this Court dated 08.04.2021, 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 08.04.2021, 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 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

31.08.2021
'Rajneesh'

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