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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16912-2021
Date of decision-17.08.2021

RAHUL KUMAR @ GANDHI

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mrigesh Kumar Shastri, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.155 dated 23.04.2020 under Section 188 Indian Penal Code, 1860, & under Sections 21(B)/61/85 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Mandi Dabwali District Sirsa. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 22.04.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that the alleged contraband (7 grams heroin) was recovered from co-

accused Prince Kumar, who was arrested on the spot and subsequently, the petitioner was indicted as an accused on the basis of disclosure statement suffered by the said accused. Learned counsel further submits that the petitioner is not connected with the alleged crime and he was not even present at the spot when the recovery was made. According to her, in the given facts, the custodial interrogation of the petitioner may not be necessary, as he is willing to join the investigation.

Notice of motion for 17.08.2021.

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 Ishwar does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 22.04.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

17.08.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No