

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24576 of 2021
Date of Decision : 13.08.2021

Robin ...Petitioner

Versus

State of HaryanaRespondent

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

Present : Ms. Aashna Gill, Advocate for the petitioner.

Mr. Pawan Kumar Longia, 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.96 dated 30.06.2021 registered under Sections 18-B and 61, NDPS Act, 1985 at Police Station Radaur, District Yamuna Nagar.

3. On 01.07.2021, the following order was passed:-

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

Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.96 dated 3.6.2021 registered under Section 18 (B) and 61, NDPS Act, 1985 at Police Station Radaur, District Yamuna Nagar.

Learned counsel contends that the petitioner has been falsely implicated in the instant case on the basis of disclosure statement made by co-accused Ansul, who on his arrest on 3.6.2021, was found

to be in possession of 400 gms of opium and that apart from the disclosure statement, there is no other material to connect the petitioner with the commission of the offence, besides, the petitioner who is a young boy aged around 18 years and not having any criminal antecedents, is ready and willing to join investigation and to fully cooperate in the same.

Notice of motion.

Mr.SS Mann, learned Addl.AG, Haryana accepts notice on behalf of the respondent and requests for an adjournment to file reply.

Adjourned to 11.08.2021.

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/surety 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 *SI Satnam Singh*, confirms that pursuant to the order of this Court dated 01.07.2021, the petitioner joined investigation, cooperated in the same, was released on ad-interim pre-arrest bail and his custodial interrogation is not required.

5. In view of the statement of learned State Counsel, order dated 01.07.2021, passed by this Court, is made absolute. The petitioner shall continue to abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be deemed to be an expression of opinion on the merits of the case.

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

(B.S. Walia)
Judge

13.08.2021
'Amit'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*