

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-13367-2022 (O&M)

Date of Decision:- 22.7.2022

Jarnail Singh

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Siwach, Advocate for
Mr. K.S.Siwach, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Harpal.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.48 dated 09.02.2022 registered under Section 21(b)/27(a) of the NDPS Act at Police Station City Ratia, District Fatehabad.
2. At the time of issuance of interim bail the following order was passed on 04.4.2022:

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.48

dated 09.02.2022 registered under Section 21(b)/27(a) of the NDPS Act at Police Station City Ratia, District Fatehabad.

As per the allegations levelled in the FIR, two co-accused of the petitioner were arrested on 09.02.2022 and 35 grams Heroin was recovered from Sukhwinder Singh @ Sukha and 15 grams Heroin was recovered from Mukesh Pal @ Makhan. During investigation, it transpired that the said narcotics was sold by them to the present petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the above-said matter on the basis of disclosure statement of co-accused. He further submits that the alleged recovery stands effected from both the co-accused and the said recovery is non-commercial. He also submits that the petitioner is ready to join the investigation.

Notice of motion for 22.07.2022.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions, as envisaged under Section 438(2) Cr.P.C.:-

1. That he shall make himself available for interrogation by a police officer as and when required;
2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
3. That he shall not leave India without prior permission of the Court.”

3. Learned State counsel, upon instructions from ASI Harpal, has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation. It has also been informed that the petitioner is not wanted in any other case.
4. Having regard to the aforestated position wherein the petitioner has joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 04.4.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

22.7.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No