

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

202

**CRM-M-34721-2021
Date of decision: 18.04.2022**

RAJAN KUMAR

.....PETITIONER

Versus

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Vikas Bishnoi Godara, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 72 dated 14.03.2021 registered under Section 21 of the NDPS Act at Police Station Civil Line, Sirsa, District Sirsa.

Affidavit of Aryan Chaudhary, HPS, Deputy Superintendent of Police (HQ), Sirsa has been filed on behalf of respondent/State in the Registry which is taken on record.

Notice of motion was issued on 25.08.2021 and thereafter vide order dated 04.10.2021, Co-ordinate bench of this Court granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 04.10.2021 reads as under :-

“Reply, filed on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police (HQ), Sirsa, is already available on the file and the same is taken on the record.

However, learned State counsel seeks some time to get better instructions and to furnish a fresh affidavit.

Adjourned to 17.01.2022.

Meanwhile, in the event of his arrest, the petitioner shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, the petitioner shall join in the investigation as and when called upon/required to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.....”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has submitted that in compliance with order dated 04.10.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Rann Singh, acknowledged that in compliance with order dated 04.10.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated

04.10.2021 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

18.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

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