

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

CRM-M-54609-2021 (O&M)
Date of Decision:- 24.2.2022

Sumit Sethi @ Sunny

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Goyal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Ishwar.

(Proceedings conducted through video conferencing)

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. 411 dated 13.11.2021, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Mandi Dabwali, District Sirsa.
2. At the time of issuance of notice of motion the following order was passed on 28.12.2021:

“Instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in FIR No. 411 dated 13.11.2021, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Mandi Dabwali, District Sirsa.

It has been argued that petitioner stands implicated only upon the statement of a co-accused namely, Sham Sunder @ Pintu and from whom the alleged recovery of 12 grams of heroine has been effected. It is further the categorical assertion made by learned counsel for the petitioner that the petitioner is not involved in any other case under the NDPS Act.

Notice of motion returnable for 24.02.2022.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C. ”

3. Learned State counsel, upon instructions from ASI Ishwar, has informed that pursuant to aforesaid directions, the petitioner has joined investigation and he 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 aforesaid position wherein the petitioner has joined investigation and is not required for any custodial interrogation, the petition is accepted and interim directions issued by this Court vide order dated 28.12.2021 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.

24.2.2022

Mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No