

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212)

CRM-M-14304 of 2023
DATE OF DECISION:-18.05.2023

Sazid Hussain

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Munfaid Khan, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARKESH MANUJA, J.

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of pre-arrest bail in case FIR No.53 dated 05.02.2023 under Sections 21-B, 29-61-85 of NDPS Act, 1985 and Section 120-B IPC, registered at Police Station Sadar Tauru, District Nuh, Haryana.

This Court, while issuing notice of motion on 21.03.2023, passed the following order:

“Learned counsel for the petitioner inter alia submits that petitioner was implicated on the basis of disclosure made by co-accused Shalaudin and Gulam Rasul. Besides it, he also submits that there is no other case of NDPS Act, 1985, pending against the petitioner and even the alleged recovery in the present case is non-commercial in nature.

Notice of motion.

Mr. Tarun Aggarwal, Sr. DAG, Punjab, accepts notice on behalf of respondent/State and prays for some time to seek instructions in the present case.

Adjourned to 18.05.2023.

Meanwhile, the petitioner is directed to join the

investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned counsel for the petitioner states that in pursuance of order dated 21.03.2023 passed by this Court, the petitioner has already joined investigation.

The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Mahipal, P.S. Sadar Tauru, Nuh, by submitting that the petitioner has joined investigation and his custodial interrogation is no longer required in this case.

In view of the above, the petition is allowed. Interim order dated 21.03.2023 is hereby made absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

18.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No