

**208 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-17076-2023 (O&M)****Date of Decision: 24.07.2023**

Rajender Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kuldeep Singh Siwach, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.140 dated 14.03.2023, under Sections 21(b) & 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Rania, District Sirsa.

2. On 14.02.2023 petitioner was found in possession of 6.35 gms of heroin, which indisputably, is non-commercial in nature.

3. The Coordinate Bench vide order dated 11.04.2023, granted interim bail to petitioner and the same reads as under:-

“Learned counsel for the petitioner inter alia submits that the petitioner has been implicated in the present FIR on the basis of disclosure statement made by co-accused namely Boota Ram and the alleged quantity is non-commercial, besides it, in the other case of similar nature the petitioner is already on bail and the same was even again relating to non-commercial quantity.

Notice of motion for 24.07.2023.

In the meanwhile, petitioner will join investigation before the Investigating Officer as and when called. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 11.04.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

24.07.2023

SN

(MAHABIR SINGH SINDHU)
JUDGE

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