

212

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-24756-2023 (O&M)
Date of Decision: 11.09.2023**

Munna @ Tarif

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Kiran Pal Singh, AAG, Haryana.

...

MAHABIR SINGH SINDHU, J.

1. Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.53 dated 05.02.2023, under Sections 21-B and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 120-B of the Indian Penal Code, 1860, registered at Police Station Sadar Tauru, District Nuh, Haryana.
2. Above FIR was registered on the allegations that 8 grams, 80 miligram heroin was found in the clinic of Dr. Mukesh, who disclosed that on 04.02.2023 at around 7.00 a.m., Gulam Rasula and Munna had come to his clinic with blue colour polythene and they might have concealed it inside his clinic.
3. The Co-ordinate Bench, vide order dated 16.05.2023, granted interim bail to petitioner and the same reads as under:-

“Learned counsel for the petitioner inter alia submits that in the present case the petitioner has been implicated on the basis of disclosure made by one of the co-accused namely Gulam Rasul and the alleged recovery is of intermediate quantity. He further submits that there is no other case under NDPS Act pending against the petitioner.

Notice of motion for 11.09.2023.

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 submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- 5. Learned State Counsel, on instructions submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- 6. In view of above, interim order dated 16.05.2023 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 application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

11.09.2023
Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No