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

**CRM-M-31188-2023 (O&M)
Date of Decision: 21.09.2023**

MURSALEEN

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manoj Kumar Pundir, Advocate and
Ms. Alisha Chauhan, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

...

MAHABIR SINGH SINDHU, J.

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.504 dated 05.12.2022 under Section 22(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 27-A and 29 NDPS Act, 1985 were added later on) registered at Police Station Gandhi Nagar, District Yamuna Nagar, Haryana.

2. Allegations against the petitioner are that his co-accused namely, Abhishek was found in possession of 352 intoxicant capsules and petitioner was arrayed in the present FIR on the basis of disclosure made by co-accused.

3. This Court, vide order dated 20.07.2023 granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner is not named in the FIR and moreover, the alleged contraband recovered from the main accused is non-commercial in nature i.e. 352 capsules of paracetamol, dicycomine hydrochloride and tramadol hydrochloride. Also contends that no other

*criminal case is pending against the petitioner.
Learned State counsel seeks time to verify the above factual position.
Posted on 21.09.2023.
In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also 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 from ASI Pawan Kumar, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
6. In view of above, interim order dated 20.07.2023 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 applications, if any, also stand disposed off.

21.09.2023
Jasmine Kaur

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No