

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

**CRM-M-33166-2023 (O&M)
Date of decision : 16.08.2023**

Atalveer

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manvinder Sidhu, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana for the respondent.

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.0120 dated 04.06.2023, under Sections 15-B, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Odhan, District Sirsa.

(2) Allegations are that co-accused Gurdeep Singh @ Baba was found in possession of 08 Kgs. *Doda Chura Post* (non-commercial) without any license, allegedly handed over by the petitioner for selling to him, and

petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) This Court, vide order dated 13.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that as per allegations of the prosecution itself, recovery from co-accused is 8 Kgs. Doda Chura Post (non-commercial) and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused. Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

On asking of the Court, Mr. Bhupender Singh, DAG, Haryana accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 16.08.2023.

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 in the present case, 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 13.07.2023 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.

August 16th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No