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

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CRM-M-37958-2023

Date of decision : 15.11.2023

Sanjay

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 10.08.2023, following order was passed:-

“Apprehending his arrest in FIR No.0085 dated 02.05.2023 registered under Section 22 of NDPS Act, 1985 at Police Station Garhi, District Jind, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner states that the petitioner was nominated on the basis of disclosure made by one Sandeep Kumar from whom 4790 tablets of Alprazolam IP 0.5 mg were recovered. As per Sandeep Kumar source of contraband is the present petitioner.

Learned State counsel has relied upon some call details between the petitioner and said co-accused Sandeep Kumar.

Learned counsel for the petitioner submits that had it been a case that the petitioner was source of contraband on the day Sandeep Kumar was

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arrested. There should have been call details between him and Sandeep Kumar. A bare perusal of the same would reveal that there are one or two calls a day between them and the same are not sufficient enough to drive home offence upto the door of the petitioner in view of the fact that both of them belong to neighbouring villages.

In support of his contentions, learned counsel for the petitioner relies upon the order dated 24.03.2023 passed by the Supreme Court in Special Leave to Appeal (Crl.) No.1363 of 2023 titled as ***Manga Singh Vs. State of Punjab***, order dated 12.07.2023 passed by the Supreme Court in Special Leave to Appeal (Crl.) No.3310 of 2023 titled as ***Jagroop Singh Vs. The State of Punjab***.

Adjourned to **15.11.2023**.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C. ”

2. Today, learned State counsel, on instructions from SI Hari Kishan, has stated that pursuant to the order dated 10.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 10.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C and to comply with the following conditions:-

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- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest

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the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

- 8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
- 9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

15.11.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No