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

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CRM-M-39156-2023

Date of decision : 14.11.2023

Asjad

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sanpreet Sandhu, 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. 138 dated 15.07.2023 for offences punishable under Section 21-B of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Partap Nagar, District Yamuna Nagar, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the only evidence against the petitioner has surfaced on account of alleged disclosure statement suffered by co-accused Abdul from whom 10.34 grams of smack was recovered. The petitioner has no criminal antecedents viz-a-viz offence punishable under NDPS Act, 1985.

Notice of motion.

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Mr. Gaurav Bansal, DAG., Haryana who is present in Court accepts notice.

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.

To come up on 14.11.2023.”

2. Today, learned State counsel, on instructions from SI Ram Kumar, 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.
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

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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 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

14.11.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No