

2023:PHHC:127273

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

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CRM-M-40304-2023

Date of decision : 29.09.2023

Anmol Singh

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Baljeet Nain, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 18.08.2023, following order was passed:-

“Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.400 dated 23.07.2023, registered under Section 21(b) and Section 27-A (added later on) of the NDPS Act, at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that there is no other case registered and/or pending against the petitioner and that the alleged recovery effected from the co-accused, is a non-commercial quantity.

Notice of motion.

On the asking of this Court, Mr. Rupinder Singh Jhand, Addl. A. G. Haryana, accepts notice on behalf of the respondent-State.

Adjourned to 29.09.2023.

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Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

2. Today, learned State counsel, on instructions from ASI Malkit Singh, has stated that pursuant to the order dated 18.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 18.08.2023 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 petitioner in case the occasion arises.

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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

29.09.2023

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No