

ITEM NO.218

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023:PHHC:164996
CRM-M-44016 of 2023 (O&M)
Date of decision : 21.12.2023

Balwan

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Sunil Kumar Goswami, Advocate for the petitioner.

Mr.Kiran Pal Singh, AAG Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.215 dated 09.06.2023, under Section 22 of Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station, Bhuna, District Fatehabad.

2. Allegations are that the recovery of 296 grams of NRX-Tramadol had been effected from co-accused – Ajay, without any license or permit. On the basis of his disclosure; petitioner has been implicated in the present FIR.

3. This Court, on 07.11.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Contends that petitioner is not named in the FIR, rather implicated on the basis of disclosure made by co-accused Ajay. Also contends that aforesaid Ajay is not involved in any other criminal case.

Learned State counsel seeks time to verify the above factual position.

Posted for 21.12.2023.

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 the Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from SI Dilbagh Singh and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 07.11.2023 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 (s), if any, shall also stand disposed off.

21.12.2023
Meenu/Gaurav

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No