

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-44533-2023

Date of Decision:22.11.2023

Parvej

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harsh Mehla, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana
assisted by SI Raj Kumar.

DEEPAK GUPTA, J.(ORAL)

On 06.09.2023, following order was passed:

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.289 dated 29.06.2022 registered under Section 21-B & 29 of NDPS Act registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

Allegations are that 28 grams of heroine was recovered from the possession of co-accused Deepak on 29.06.2022, who in his disclosure statement nominated the petitioner to be supplier.

Learned counsel contends that no recovery was effected from the petitioner; that he was not arrested from the spot; that he is not involved in any other case. Learned counsel further contends that petitioner is ready to join the investigation.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana accepts notice on behalf of respondent- State.

Learned State counsel has pointed out that FIR was lodged way back on 29.06.2022 and petitioner is approaching this Court after a period of more than 01 year and 02 months, which indicates that petitioner never had the apprehension of his arrest. If the case is seen

from the other angle, police did not make any effort to arrest the petitioner.

Let the status report be filed by respondent- State as to why no effort was ever made by the police to arrest the petitioner during all this period.

Adjourned to 22.11.2023.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions from SI Raj Kumar, submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 06.09.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

(DEEPAK GUPTA)
JUDGE

November 22, 2023
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No