

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

CRM-M-46301-2023

Date of decision : 06.11.2023

Khalil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.724 dated 30.12.2022, under Sections 20B (ii) (c), 58 (2) and 29 of NDPS Act, registered at Police Station Ladwa, Kurukshetra, District Kurukshetra.

(2) Above FIR was registered on the basis of secret information and 15 Kg of Charas (sulfa) was recovered from co-accused Sandeep. During investigation, multiple disclosures were recorded of different co-accused and petitioner was nominated in the disclosure made by co-accused Mohammad @ Daud.

(3) This Court, on 19.09.2023, granted interim bail to the petitioner and which reads as under:-

“Status report by way of an affidavit of Jagbir Singh, HPS, DSP, Haryana has been filed by learned State counsel. The same is taken on record.

It transpires that petitioner is 65 years of age and he has been nominated only on the basis of disclosure made by co-accused Mohd. Daud.

Learned State counsel seeks time to find out the pendency of other criminal cases against the petitioner.

Posted for 18.10.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

- (4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel, on instructions from Inspector-Naresh Kumar, also acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 19.09.2023 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) It is made clear that in case of any recurrence on the part of the petitioner, the State of Haryana would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.

November 06th, 2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No