

CRM-M-46652-2023
Date of decision: 11.12.2023

....Petitioner

State of Haryana

...Respondent

Present: Ms. Rahul Noorie, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

On 06.11.2023, the following order was passed:-

Learned counsel for the petitioner, inter alia, contends that admittedly no recovery is made from the conscious possession of the petitioner and he has been implicated in the present case on the basis of the disclosure statement

suffered by the co-accused namely Ajay @ Jhanjharia, who was arrested on 29.06.2023. It is further contended that the said coaccused has already been granted concession of regular bail by the learned trial Court vide order dated 02.09.2023.

Notice of motion.

On the asking of the Court, Mr. Gurmeet Singh, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned State counsel has filed status report by way of affidavit of Ashok Kumar, HPS, DSP, HQ Charkhi Dadri on behalf of respondent, which is taken on record. He opposes the prayer for grant of anticipatory bail to the petitioner on the ground that he is involved in two i.e. FIR No.38 dated 18.02.2022 registered under Section 18/29 of the NDPS Act, 1985 at Police Station Sadar Dadri and FIR No.93 of 2020 registered under Sections 279, 336 IPC and Excise Act at Police Station Bond Kalan.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 22.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 11.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. '

Learned State counsel on instructions from ASI Ranbir, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 06.11.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.12.2023

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No