

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

CRM-M-48935-2023

Date of decision : 07.12.2023

VINOD

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. V.B.Godara, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1. On , 04.10.2023, the following order was passed :-

“Apprehending his arrest in FIR No.515 dated 23.05.2023, registered under Section 18 of NDPS Act at Police Station Sadar Hisar, District Hisar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter-alia contends that the petitioner has been nominated on the basis of disclosure made by co-accused Deepak @ Monu who was apprehended and found to be in possession of 210 grams of opium. No recovery has been effected from the petitioner and there are no criminal antecedents that the petitioner was ever involved in NDPS cases prior to the present FIR.

Apart therefrom, Deepak @ Monu already stands admitted to regular bail vide order dated 03.07.2023 (Annexure P-3).

Notice of motion.

On the asking of the Court, Mr. Gaurav Bansal, D.A.G., Haryana accepts notice on behalf of respondent-State.

Adjourned to 07.12.2023. In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Mahabir Singh submits that the petitioner have already joined investigation and is no more required for custodial interrogation.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 04.10.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting the petitioners 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 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
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.

9. Petition stands disposed off accordingly.

(PANKAJ JAIN)
JUDGE

07.12.2023
raman

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