

209-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54184-2023

Date of decision: 12.12.2023

JASBIR SINGH @ MONU

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Deep Inder Singh Walia, Advocate for
Mr. Ajay Nain, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.321 dated 17.08.2023 registered under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 29, 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 added later on) at Police Station Hansi Sadar, District Hisar.

2. On 23.10.2023, following order was passed:

“Prayer in instant petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No. 321, dated 17.08.2023, registered under Section 20 (b) of NDPS Act, 1985 at Police Station Hansi Sadar, District Hisar (Sections 29, 27-A of NDPS Act, 1985 added later on).

2. *Learned counsel for the petitioner submits that the petitioner has not been named in the FIR, however, his name surfaces on the disclosure statement of co-accused Usha which is not admissible. It is submitted that no other case under the NDPS Act has been registered against the petitioner. It is further submitted that the petitioner has nothing to do with alleged occurrence as stated in the instant FIR. Learned counsel next submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been*

dismissed by learned Additional Sessions Judge, Hisar, vide its order dated 10.10.2023 (Annexure P-1). It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Praveen Chander Goyal, Additional A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent/State. Learned State counsel opposes the petitioner's plea for bail on the ground of seriousness of offence. Learned State counsel seeks a short accommodation to file status report in this case.*

5. *List on 12.12.2023.*

6. *Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the meantime, in the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.*

7. *A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.*

8. *Status report be filed before next date of hearing with an advance copy thereof to counsel opposite."*

3. Status report dated 11.12.2023 by way of an affidavit of Ravinder Sangwan, HPS, Deputy Superintendent of Police, Hansi on behalf of respondent-State has been filed and the same is taken on record. A copy of the same be supplied to the counsel for the petitioner during the course of the day.

4. Learned State counsel, on instructions, submits that in compliance of order dated 23.10.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

5. Keeping in view the statement made by learned State Counsel the order dated 23.10.2023, is made absolute. However, it is made clear that the

petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C. and shall continue to join investigation as and when called by the investigating officer.

5. The petition is accordingly allowed.

December 12, 2023
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No