

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

**CRM-M-404-2024 (O&M)
Date of decision : 15.02.2024**

Rohtash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.666 dated 10.08.2023, under Sections 15(A), 18(B), 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Hisar City, District Hisar.

(2) Allegations are that co-accused Pawan Kumar Soni was found in possession of 45.20 grams Opium and 17.30 grams *doda* without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) This Court, while issuing notice of motion on 08.01.2024, granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner has been nominated on the basis of disclosure made by co-accused from whom alleged contraband (noncommercial) was recovered. Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

On the asking of the Court, Mr. Kiran Pal Singh, AAG Haryana accepts notice on behalf of respondent-State and seeks time to have instructions and/or file short affidavit regarding the complicity of petitioner.

Posted for 15.02.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of 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, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 08.01.2024 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 clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

15th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes