

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

**CRM-M-2121-2024 (O&M)
Date of decision : 14.02.2024**

Krishan Rao Maratha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Satnam Singh Gill, 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.1 dated 01.01.2023, under Sections 15 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kurukshetra University, District Kurukshetra.

(2) Allegations are that co-accused Jasbir Singh and Sohan Lal were found in possession of 50 Kg. 500 grams of Poppy Straw/Doda Post 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 16.01.2024, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that petitioner has been nominated on the basis of disclosure made by co-accused (Jasbir Singh @ Jassi) and there is no other criminal case pending against him.

Notice of motion.

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 14.02.2024.

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 the Code of Criminal Procedure, 1973.

To be heard along with CRM-M-30270-2023.”

(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 ASI Sukhdev Singh, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 16.01.2024 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.

14th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes