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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3536-2024
Date of decision : 08.05.2024

NIKHIL CHAWLAPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 23.01.2024, the following order was passed :-

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.227, dated 15.4.2023 registered at Police Station City Mandi Dabwali, District Sirsa, Haryana, under Sections 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submitted that it is the co-accused of the petitioner, who was found in possession of 7 grams of ‘heroin’, whereas the petitioner was never ever present at the spot and came to be nominated subsequently on the basis of disclosure statement of coaccused namely Rakesh Kumar @ Tony, Govind Singh and Ajay Singh, which would hardly carry any evidentiary value.

Notice of motion for 8.5.2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating

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Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

2. Today, Ld. State Counsel on instructions from ASI Sugreev submits that the petitioner has 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 23.01.2024 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 petitioner 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,

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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.

8. Petition stands disposed off accordingly.

May 08, 2024			(Pankaj Jain)
Dpr			Judge
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No