

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3123-2024(O&M)
Date of decision: 24.04.2024

Nikhil Chawla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

First petition under Section 438 of the Code of Criminal Procedure (for short ‘Cr.P.C.’) has been filed for grant of pre-arrest bail to the petitioner in FIR No. 511 dated 20.08.2023, under Sections 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’), registered at Police Station, City Mandi Dabwali, District Sirsa, Haryana.

(2) Allegations are that 51 grams heroin was recovered from co-accused-Bintu Ram, which was allegedly given by the petitioner for purpose of sale.

(3) Contends that this Court granted interim bail to the petitioner on 25.01.2024 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.

(4) Above factual position is duly acknowledged by learned State counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

(5) Heard learned counsel for the parties and perused the paper-book.

(6) It transpires that petitioner was granted interim bail by this Court on 25.01.2024 and order reads as under:-

“ *Learned State counsel seeks more time to file response in the matter.*

Posted for 27.02.2024.

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.”

- (7) It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined investigation and his custodial interrogation is not required at this stage.
- (8) In view of above, interim order dated 25.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (10) 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.
- (11) It is made clear that in case of any recurrence on the part of the petitioner, the State would be at liberty to move an application for recalling of this order.
- (12) Disposed off accordingly.
- (13) Pending application(s), if any, shall also stand disposed off.

24.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No