



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

CRM-M-6645-2024 (O&M)
Date of decision: 23.05.2024

Ashwani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K.Bishnoi, 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.006 dated 03.01.2024, under Section 21b of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Dabwali, District Sirsa.

(2) Allegations are that co-accused Chander Bhan, Sahab Singh & Yadwinder Singh were found in possession of 20 grams of *Heroin* without



any license and petitioner has been nominated on the basis of disclosures, made by aforesaid co-accused.

(3) Contends that petitioner was granted interim bail by the Coordinate Bench, vide order dated 08.02.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.

(4) Learned State Counsel, on instructions from ASI Jaivir Singh, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.

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

(6) It is not in dispute that petitioner was granted interim bail by this Court on 08.02.2024 and the order reads as under:-

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.006, dated 3.1.2024 at Police Station Sadar Dabwali, District Sirsa, Haryana, under Section 21-b of Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the case of prosecution, three persons namely Yadwinder Singh, Sahab Singh and Chander Bhan were found travelling in a car wherefrom 20 grams of ‘heroin’ was recovered from dashboard of the car. It is further the case of prosecution that upon interrogation, the aforesaid persons disclosed that they had procured the said contraband from Vinod and Ashwani (petitioner).

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of alleged recovery of non-commercial quantity of

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contraband from 3 accused, who are alleged to have suffered the same disclosure statements nominating the petitioner as the supplier. It has been submitted that the admissibility of such like disclosure statements would be debatable particularly when the petitioner otherwise has a clean record.

Notice of motion for 23.5.2024.

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 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.”

(7) It is acknowledged by learned State Counsel on instructions from ASI Jaivir Singh that in pursuance of the aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.

(8) In view of the above, present petition is allowed; interim order dated 08.02.2024 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.

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(11) 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.

(12) Pending application(s), if any, shall also stand disposed off.

23rd May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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