

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

CRM-M-7236-2024

Date of decision : 24.04.2024

BHARAT RAM PATIDAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 12.02.2024, the following order was passed :-

“Apprehending his arrest in FIR No.113 dated 07.03.2022, registered for offences punishable under Sections 15, 27A and 29 of NDPS Act 1985 at Police Station City Mandi Dabwali, District Sirsa, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Counsel for the petitioner inter alia submits that the petitioner has nominated on the basis of disclosure made by Gurlal Singh, whose name figured in the secret information and was arrested on the disclosure made by Richhpal Singh. The said Gurlal Singh was arrested on 18.11.2023 and the disclosure is 02 days thereafter i.e. 20.11.2023. Apart from the disclosure of Gurlal Singh, there is no incriminating evidence against the petitioner and the disclosure of the Gurlal Singh relied upon by the prosecution shall be hit by the dictum of law laid down by Supreme Court in the case of *Tofan Singh vs. State of Tamil Nadu reported as (2021) 4 SCC 1*.

Further submits that the petitioner has clean antecedents.
Notice of motion for 24.04.2024.

Mr. Gaurav Bansal, DAG, Haryana, accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/ Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C ”

2. Today, Ld. State Counsel on instructions from ASI Gurpreet submits that the petitioner has already joined investigation and is no more required for custodial interrogation. He has filed status report by way of an affidavit of Jai Pal Singh, HPS, DSP, Hq. Fatehabad, in Court. The same is taken on record.
3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 12.02.2024 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, 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.

April 24, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No