

CRM-M No.17146 of 2023

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17146 of 2023

Date of decision : 11.01.2024

Azam

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of anticipatory bail in
FIR No.88 dated 24.02.2023 registered under Sections 21-B and 29 of
Narcotic Drugs and Psychotropic Substances Act at Police Station Sadar
Yamuna Nagar, District Yamuna Nagar.

2 On 19.04.2023, while issuing notice of motion the following
order was passed:-

*“Learned counsel for the petitioner contends that the
petitioner has been falsely implicated having been named by the
main accused Shoyab from whom 210 grams of smack was
recovered. Learned counsel submits that the petitioner is alleged
to have committed an offence under Section 29 of the Narcotic
Drugs & Psychotropic Substances Act, 1985. It has further been
submitted that the petitioner is not involved in any other case and
is willing to join investigation and abide by any condition
imposed by this Court.*

Notice of motion.

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On the asking of the Court, Mr. Surender Singh, AAG, Haryana accepts notice on behalf of the respondent-State.

Complete copy of the paper book be supplied to him during the course of the day.

Service is complete.

List on 10.08.2023.

In the meantime, the petitioner is directed to appear before the Arresting/Investigating Officer and join investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to compliance of the provisions of Section 438 (2) Cr.P.C."

3 Today, learned State counsel, on instructions from ASI Rajesh Kumar has stated that pursuant to the order dated 19.04.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of above, the interim order dated 19.04.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5 This order should not be treated as "blanket" order. It will not be read granting 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.

6 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.

7 The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

8 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.

9 Petition stands disposed off.

10 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

11.01.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No