



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

**CRM-M-17713-2024 (O&M)
Date of decision : 28.05.2024**

Jaswinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr.Vishal Sharda, Advocate for the petitioner.
Mr.Praveen Bhadu, 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 anticipatory bail in to the petitioner in case FIR No.54 dated 05.02.2024 under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Mandi Dabwali, District Dabwali

(2) Allegations are that the petitioner was named on the basis of disclosure of co-accused Rajat Garg who was apprehended by the police having possessed 6 grams of heroin.



(3) Contends that this Court granted interim bail to the petitioner on 10.04.2024 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) A Coordinate Bench on 10.04.2024 while issuing notice of motion passed the following order:-

- “1. Prayer in this petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case bearing FIR No.54 dated 05.02.2024, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Mandi Dabwali, District Dabwali.
2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case only on the basis of disclosure statement of co-accused namely Rajat Garg, who was apprehended by the police and was alleged to have been found with the possession of 6 grams of heroin. It is submitted that since the alleged recovery from co-accused falls in the category of “intermediate quantity”, therefore, the rigors of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 are not attracted in this case. Learned counsel further submits that the petitioner is not involved in any other case. Learned counsel for the petitioner contends that the bail application under Section 438 of the Code of Criminal Procedure, filed on behalf of the petitioner before the Court of Additional Sessions Judge, FTSC Sirsa has been wrongly declined vide order dated 02.04.2024 (Annexure P-3). It is next submitted that co-accused, namely Rajat Garg has already been granted the concession of regular bail vide order dated 27.02.2024, passed by learned Additional Sessions Judge, FTSC, Sirsa. It is submitted that the petitioner is ready and



willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

3. *Notice of motion.*
4. *At the asking of Court, Mr. Kiran Pal Singh, AAG, Haryana, who is present in Court, accepts notice on behalf of respondent/State and prays for an accommodation to get instructions and assist in this matter.*
5. *Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.*
6. *List on 28.05.2024.*
7. *In the meantime, the petitioner is directed to join the investigation and co-operate fully in the investigation process; and in the event of his arrest, he be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Code of Criminal Procedure.”*

(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 10.04.2024 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.

28th May, 2024
Sd/-

(MAHABIR SINGH SINDHU)
JUDGE

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