

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

299

CRM-M-22882-2024
Date of decision: 12.08.2024

OM PARKASH
Versus
STATE OF HARYANA
....Petitioner
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional A.G., Haryana.

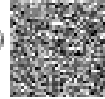
KULDEEP TIWARI. J.(Oral)

1. On 08.05.2024, a Co-ordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case registered against him vide FIR No.84 dated 08.02.2024 under Sections 15(C) of the NDPS Act, 1985 at Police Station Rania, District Sirsa.

The learned counsel for the petitioner inter alia contends that the petitioner has been named in the disclosure statement of his co-accused. Other than that there is no corroborative additional evidence available against him. Reliance is placed on the order in ‘Vijay Singh versus The State of Haryana, bearing Special Leave to Appeal (Crl.) No(s).1266/2023 decided on 17.05.2023’, which is reproduced as under:-

“The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act". His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to



- 2-

implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail.

Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose.

The petition is allowed.

All pending applications are disposed of.”

Notice of motion for 10.07.2024.

Mr. Rupinder Singh Jhand, Addl.A.G., Haryana, present in the Court, accepts notice on behalf of the State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

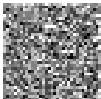
(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, the State is directed to file an affidavit/reply as to the exact role of the petitioner and his co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing .”

2. Today, the learned State counsel has, on instructions imparted to him by the official respondent, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for any further custodial interrogation.



3. In view of the above, the hereinabove extracted interim order dated 08.05.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner shall not commit an offence similar to the present offence;
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner shall make himself available for interrogation by a police officer as and when required.”

4. 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.

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

12.08.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No