



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-24235-2024

Date of Decision : August 29, 2024

BALDEV SINGH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. D.S.Virk, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl.AG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. On 4.7.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.77, dated 04.05.2024, under Sections 15(B)/61/85 of the NDPS Act, registered at Police Station Odhan, District Sirsa.

Learned counsel for the petitioner submits that the recovery of contraband effected from the present petitioner is of 5.100 kg.of doda post, which admittedly falls within the ambit of non-commercial quantity.

This Court vide order dated 15.05.2024, at the time of issuing notice of motion, directed the State to file a reply to the instant petition, detailing therein the role and criminal antecedents of the petitioner, and incriminatory material as collected by the investigating officer.

The reply, dated 28.05.2024, to the instant petition was filed by the State on 29.05.2024.

In the reply, it is specifically stated that except the disclosure statement of the co-accused there is nothing with the prosecution to connect the petitioner with the crime.

Learned counsel for the petitioner submits that though the petitioner is stated to be involved in one more criminal case, in that case also he was involved on a disclosure statement of a co-accused.

Since there is a specific admission on the part of the prosecution that there is no incriminatory evidence against the petitioner except the disclosure statement, and evidential value of the disclosure statement is a debatable issue, which is required to be adjudicated by the trial court concerned at the time of trial, therefore, in view of the above, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of 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) Cr.P.C.

Adjourned to 29.08.2024.”

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

3. In view of the above, the hereinabove extracted interim order dated 4.7.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself 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(s) 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.

August 29, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

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