

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31139-2023(O&M)
Date of decision: 29.01.2024

Ravinder Singh @ Rocky
...Petitioner
Versus
State of Haryana
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Parminder Walia, Advocate for the petitioner.
Mr. Kiran Pal Singh, AAG., Haryana.
Ms. Shreyansi Verma, Advocate for respondent No.-2/UOI.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No. 295 dated 29.05.2023, under Sections 21, 61 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Pinjore, District Panchkula.

- (2) Allegations are that 10.24 grans Heroin was found in the conscious possession of co-accused Karnail Singh; during interrogation, he suffered disclosure and on the basis thereof, petitioner was nominated in the present case.
- (3) This Court on 26.09.2023, granted interim bail to the petitioner and order reads as under:-

*“ Recovery from the main accused i.e. Karnail Singh is alleged to be 10.24 grams of heroin i.e. non-commercial.
Since no one is appearing on behalf of the petitioner, therefore, purely in the interest of justice, posted for 21.11.2023.
In the meanwhile, the petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”*

- (4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
- (5) Learned State Counsel on instructions from ASI-Pardeep Kumar submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) On the other hand, learned counsel for respondent No. 2 submits that she has not received any instructions in terms of the order dated 29.08.2023.
- (7) In view of above, interim order dated 26.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (9) 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.
- (10) Also clarified that in case of any recurrence on the part of the petitioner, the State of Haryana would be at liberty to move an application for recalling of this order.
- (11) Disposed off accordingly.
- (12) Pending application(s), if any, shall also stand disposed off.

29.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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