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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

281

CRM-M-31256-2024 (O&M)
Date of decision: 06.08.2024

Suman ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

- 1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.238 dated 05.04.2024 registered under Sections 21 of NDPS Act, at Police Station Rohtak City, Rohtak.
- 2. Vide order dated 04.07.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 04.07.2024, passed by this Court, reads as under:

“The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.238 dated 05.04.2024 registered under Sections 21 of NDPS Act, at Police Station Rohtak City, Rohtak on the basis of allegations that on 05.04.2024, when ASI Sanjit Kumar along with Police Officer was present at Balmiki Chowk then a secret information was received that co-accused of the petitioner i.e. Satyawar @ Sattu was being involved in the business of selling Narcotic substances and

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at that time, he was standing under Bohr tree in main street and was wearing green T-shirt. He could be apprehended in such circumstances. After receiving this information, a raiding party immediately had been formed which reached at that place and apprehended the co-accused i.e. Satyawar @ Sattu. After completing requisite formalities, search was conducted and 6 grams of heroin was recovered from his possession. The co-accused Satyawar @ Sattu was formally arrested. The investigation is still going on. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Additional Sessions Judge, Rohtak.

Learned counsel for the petitioner has argued that the petitioner was nominated in the FIR on the basis of disclosure statement made by the coaccused who has since been extended the benefit of regular bail. No recovery is required to be effected from her. She is ready to join the investigation and her custodial interrogation is not required.

Notice of motion.

On asking of the Court, Mr. Arjun Lakhanpal, Addl. A.G., Haryana accepts notice on behalf of respondent-State and seeks time to file status report.

Adjourned to 05.08.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of her arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to

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his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel, in terms of on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 09.07.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 04.07.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

06.08.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No