



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33611-2024
Date of Decision : 22.08.2024

GURCHARAN SINGH
.....Petitioner(s)
VERSUS
STATE OF HARYANA
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kuldeep Singh Siwach, Advocate,
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. On 17.07.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.195 dated 11.05.2024, under Section 21(b), 27A (Act No.61) of the N.D.P.S. Act, 1985, registered at P.S. City Fatehabad, District Fatehabad.
- 2. The learned counsel for the petitioner submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been assigned to him therein. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused Sunil Singh @ Dhillon, from whom 10 grams of heroin was recovered. Except the disclosure statement of co-accused (supra) that he had purchased the recovered contraband from the petitioner, there is no other cogent evidence on record to substantiate the allegation that it was the petitioner, who had supplied the allegedly recovered contraband. Moreover, the allegedly recovered contraband falls within “non commercial quantity”.
- 3. Lastly, the learned counsel for the petitioner submits that the petitioner is not involved in any other case and he is ready and willing to join the investigation.
- 4. Notice of motion for 22.08.2024.
- 5. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, learned State counsel has filed a status report, dated 16.08.2024, by way of an affidavit of Sh.Jaipal Singh, DSP (HQ), Fatehabad, which is ordered to be taken on record.

3. He, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) has joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 17.07.2024, 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 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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