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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-51277-2023
Date of decision : 27.02.2024

Amrik Singh Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. K.S. Siwach, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 09.11.2023, following order was passed:-

“Learned counsel for the petitioner submitted that it was the co-accused of the petitioner from whom the recovery of 7 grams heroin was made, which does not fall in the category of commercial quantity and further allegations were that the petitioner had supplied the same. He submitted that although Section 27-A of the NDPS Act has been incorporated in the FIR but the rigors of Section 37 of the NDPS Act are not applicable in view of the fact that except disclosure statement of the co-accused, there is no other material available on record. Even after issuing notice of motion, the State has not been able to show any sufficient connection of the petitioner in the present offence. He submitted that the reason why the petitioner was implicated in the present case is that he was

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involved in one more case under the NDPS Act.

Learned State counsel has stated that the petitioner was nominated on the basis of the disclosure statement of co-accused namely Rajinder Singh and it was the petitioner, who had supplied the alleged contraband to the aforesaid co-accused. He submitted that he may be granted time to seek instructions whether there is sufficient material available with the police for involving the petitioner in the present offence except the disclosure statement or not.

In the meantime, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the 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 27.02.2024.”

2. Today, learned State counsel, on instructions from the Investigating Officer, has stated that pursuant to the order dated 09.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 09.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall

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be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

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

9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

27.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No