

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53299-2023 (O&M)
Date of decision : 05.01.2024

Sahil

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sushil Sheoran, Advocate for the petitioner.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.545 dated 28.07.2023, under Section 21B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 NDPS Act added later on), registered at Police Station, Rohtak City, District Rohtak.

(2) Allegations are that co-accused Happy was found in possession of 5.45 grams *Heroin* without any license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) Status Report by way of an affidavit dated 09.12.2023 of Sh. Ravi Khundia, DSP, Rohtak, along with Annexure R-1, has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(4) This Court, vide order dated 30.10.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that recovery of alleged contraband of 5.45 grams Heroin was effected from one Happy and on the basis of disclosure made by said Happy, petitioner has been nominated in the present case.

Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

On the asking of the Court, Mr. Kiran Pal Singh, AAG Haryana, accepts notice on behalf of respondent-State and seeks time to verify the above factual position.

Posted on 11.12.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also 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 the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from S.I. Phool Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

- (6) In view of above, interim order dated 30.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) 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.
- (9) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

5th January, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>