

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-54852-2023
Date of decision : 28.02.2024

Abdul Kadir Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Anirudh Gupta, Advocate for
Mr. Sahil Choudhary, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 07.11.2023, following
order was passed:-

“Apprehending his arrest in FIR No.343 dated
9.9.2023 registered for offence punishable under
Sections 21-B/29 of N.D.P.S. Act at Police Station
Bilaspur, Yamuna Nagar, the petitioner has
preferred this petition under Section 438 Cr.P.C.
seeking pre-arrest bail.

Inter-alia submits that petitioner has been
nominated on the basis of disclosure made by co-
accused who has found to be in possession of 6.10
gms of heroin and apart from such disclosure there
is nothing incriminating against the petitioner. In
the earlier FIR also, the same modus was followed
to implicate the petitioner as in that case also it was
only on the disclosure made by the main accused
that the petitioner was nominated.

Notice of motion.

2024:PHHC:030836

On asking of the Court, Mr. Gaurav Bansal, D.A.G., Haryana appears and accepts notice on behalf of the respondent/State.

Adjourned to 28.02.2024.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, learned State counsel, on instructions from ASI Mohan Singh, has stated that pursuant to the order dated 07.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 07.11.2023 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 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

28.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No