

CRM-M No.55456 of 2023

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.55456 of 2023 (O&M)
Date of decision : 20.01.2024

Sandeep @ Sillu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Ashok Kumar, Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 The petitioner has prayed for grant of anticipatory bail in
FIR No.1042 dated 19.12.2022 registered under Sections 22-B/27-A of
Narcotic Drugs and Psychotropic Substances Act at Police Station City
Yamuna Nagar, District Yamuna Nagar.

2 On 22.11.2023, while issuing notice of motion the following
order was passed:-

*“Apprehending his arrest in FIR No.1042 dated
19.12.2022 registered for offence punishable under Sections 22-
B/27-A of N.D.P.S. Act at Police Station City Yamunanagar,
District Yamuna Nagar, the petitioner has preferred this petition
under Section 438 Cr.P.C. seeking pre-arrest bail.*

*Petitioner was earlier granted indulgence by this Court
and was asked to join investigation. However, admittedly the
petitioner failed despite having been granted two opportunities. It
is being claimed that default was on account of the fact that
petitioner was suffering from Typhoid fever and in order to*

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demonstrate the same reliance is being placed upon pathological report (Annexure P-4).

Notice of motion.

On asking of the Court, Mr. Gaurav Bansal, D.A.G., Haryana appears and accepts notice on behalf of the respondent/State. Adjourned to 17.01.2024.

In the meantime, subject to payment of costs of Rs.5000/- to be deposited in Advocate's Family Welfare Fund of this Court, 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. ”

3 Today, learned State counsel, on instructions from ASI Matlub Hussain has stated that pursuant to the order dated 22.11.2023 the petitioner has joined investigation and is no longer required for custodial interrogation.

4 In view of above, the interim order dated 22.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5 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.

6 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.

7 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.

8 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.

9 Petition stands disposed off.

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

11 Pending applications, if any, shall stand disposed off.

(PANKAJ JAIN)

JUDGE

20.01.2024

spn

Whether speaking/reasoned	Yes
Whether Reportable :	No