

218 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-57124-2023 (O&M)

Date of Decision: 15.01.2024

Saravjeet @ Sabli

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. R.S. Mamli, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG Haryana
assisted by ASI Satish Kumar.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.398 dated 15.10.2023, under Section 21-B of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station, Bilaspur, District Yamuna Nagar.

2. Allegations in brief are that recovery of 8.24 grams of heroin was effected from the car which does not belong to the petitioner.

3. This Court vide order dated 14.11.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner is not the registered owner of the car, from which recovery of 8.24 grams of Heroin was effected. Also contends that there is no other criminal case pending against him.

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 have instructions and/or file written response in the matter.

Posted for 15.01.2024.

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 on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

6. In view of above, interim order dated 14.11.2023 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. Disposed off accordingly.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

15.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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