

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

CRM M-59222-2023 (O&M)
Date of Decision: 12.02.2024

Amit Pal

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amit Khari, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

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.861 dated 10.11.2022 registered under Sections 22(c) & 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station, Sadar Indri, District Karnal.

2. As per case of the prosecution, 2990 tablets of Alprazolam weighing 373.75 gram were recovered from co-accused Pawan Kumar. During investigation, he disclosed that contraband was purchased from his nephew-Rakesh Kumar. It has come in the disclosure of Rakesh Kumar that he purchased the alleged substance from the petitioner.

3. This Court vide order dated 28.11.2023, granted interim bail to petitioner and the same reads as under:-

“Learned State counsel seeks time to file a short affidavit regarding complicity of the petitioner.

Posted for 12.02.2024.

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 except the disclosure statement, there is no evidence against the petitioner. Also submits that in pursuance of the aforesaid order, he has joined investigation, therefore, his custodial interrogation is not required.

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 28.11.2023 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 be not 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.

12.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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