

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

298

CRM-M-59071-2023
Date of decision: 12.03.2024

ANIL

...PETITIONER

V/s

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Ms. Ankita Ahuja, AAG, Haryana.

None for respondent No.2.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.730 dated 07.07.2023, registered for the offences punishable under Sections 323, 406, 498-A, 506, 34 of IPC at Police Station Hisar Sadar, District Hisar.
2. On 21.12.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.730 dated 07.07.2023 under Sections 323/406/498-A/506/34 of the Indian Penal Code, 1860 registered at Police Station Hisar Sadar, District Hisar. Learned counsel for the petitioner would contend that the petitioner is ready to settle the matter as well as return the Istridhan articles in his possession. It is further the contention of the learned counsel that the NDPS cases pending against the petitioner are qua non-commercial quantities. The learned counsel would further contend that there is no medical in support of the allegations of beatings. Notice of motion. Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent No.1-State of Haryana.

Learned counsel for the State has filed a reply by way of affidavit of Ashok Kumar, HPS, Deputy Superintendent of Police, District Hisar (Haryana). Let the same be scanned and tagged with the case file at the appropriate place.

Learned counsel for the State, on instructions from ASI-Sajjan Kumar, has stated that the cases pending against the petitioner under the NDPS Act primarily pertain to non-commercial quantities. The learned State counsel has also reiterated that there is no medical on record in the present case.

Let notice be issued to respondent No.2 returnable 19.02.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned State counsel, on instructions from ASI Sajjan Kumar, has stated that pursuant to the order dated 21.12.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition is allowed and interim order dated 21.12.2023 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. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

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

(SUMEET GOEL)
JUDGE

March 12, 2024
jatin

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No