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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60741-2023
Date of decision : 07.05.2024

MANDEEP SINGH ...Petitioner
Versus

STATE OF HARYANA ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Suneel Sharma, Advocate for the petitioner.
Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 04.12.2023, the following order was passed :-

“This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.500 dated 24.10.2023, under Section 18 of NDPS Act (Section 29 of NDPS Act was added during the investigation) registered at Police Station Parao, Ambala Cantt.

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in this case. It is submitted that the petitioner has been nominated as co-accused on the basis of disclosure statement of Maharaj Singh, who was apprehended at the spot and recovery of 01 Kg. of opium (non-commercial quantity) was effected from him. Apart from the disclosure statement, there is no other material to connect the petitioner with the commission of crime. The petitioner is not known to the main accused nor there are any call details between them. The petitioner does not even know the main accused. The



petitioner had earlier been implicated in a similar manner in two cases under the NDPS Act, in which he has been granted the concession of bail. In the said cases also, no recovery of contraband was effected from the petitioner. Learned counsel submits that the petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Ms. Ambika Sood, Addl. A.G., Haryana, accepts notice on behalf of respondent-State and waives service. Learned State counsel submits that the petitioner is a habitual offender and his name has surfaced in the disclosure statement of co-accused Maharaj Singh, who was apprehended at the spot. Learned State counsel seeks time to file reply/status report.

List on 22.01.2024.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

2. Today, Ld. State Counsel on instructions from SI Jarnail Singh submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

3. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 04.12.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting the 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 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. Petition stands disposed off accordingly.

May 07, 2024
Dpr

(Pankaj Jain)
Judge

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