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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61213-2023
Date of decision : 13.03.2024

NANDKISHORE DHAKADPetitioner

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Priyavrat Prashar, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.204 dated 06.10.2023, registered for offences punishable under Sections 15(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Guhla, District Kaithal, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. Counsel for the petitioner submits that the petitioner has been nominated merely on the basis of the disclosure made by co-accused Angrej Singh. He relies upon the dictum of law laid down by the Apex Court in **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1** to submit that the disclosure made by a co-accused that too while in police custody cannot be relied upon to drive home offence *qua* the petitioner.

3. On 08.01.2024, the following order was passed :-

“Learned counsel for the State prays for time.

On his request, adjourned to 13.03.2024.

In the meantime, 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.”

4. Today, Ld. State Counsel on instructions from ASI Satyawar submits that the petitioner has already joined investigation and is no more required for custodial interrogation.

5. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 08.01.2024 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

6. 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.

7. 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.

8. 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.

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.
10. Petition stands disposed off accordingly.

March 13, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No