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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M No.63338 of 2023 (O&M)
Date of decision : 03.04.2024

Arshad

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Harsh Mehla, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 On 16.12.2023 the following order was passed:-

“Apprehending his arrest in FIR No.238 dated 18.05.2023, registered for offences punishable under Sections 21-C and 29 of the NDPS Act, at Police Station Sadar Yamuna Nagar, District Yamuna Nagar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia submits that the petitioner has been nominated on the disclosure made by one Manavar who himself was nominated on the disclosure made by Nadir from whom 361 grams of heroin was recovered. He further submits that both Manavar and Nadir already stand admitted to default bail.

Issue notice of motion, returnable for 03.04.2024.

Mr. Gaurav Bansal, DAG, Haryana appears and accepts notice on behalf of the respondent/State.

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.”

2 Learned State counsel on instructions from ASI Rishipal has stated that pursuant to the order dated 16.12.2023 the petitioner has joined investigation and is no longer required for custodial interrogation.

3 In view of above, the interim order dated 16.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4 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.

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, 1872 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.

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

03.04.2024
Pooja sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No