

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-65155-2023

Date of decision : 04.04.2024

ANAYAT KHAN

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Aditya Sanghi, Advocate and
Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 22.12.2023, the following order was passed :-

“Apprehending his arrest in FIR No.305 dated 21.10.2022, registered under Sections 21(c)/29 of NDPS Act & Section 201 IPC at Police Station Ding, District Sirsa, Haryana, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner inter alia submits that one Saddam was apprehended with the contraband along with Gulam Nabi @ Gami who was also found to be in possession of 500 grams of heroin. The petitioner has been nominated by Yakub Khan in his disclosure who was named by the main accused i.e. Gulam Nabi @ Gami and Saddam. He further submits that Yakub Khan stands admitted to bail vide order dated 19.10.2023 passed in **CRM-M-40519 of 2023**. The petitioner has clean antecedents and has no prior involvement in any matter under NDPS Act.

Notice of motion for 04.04.2024.

On the asking of the Court, 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. Today, Ld. State Counsel on instructions from SI Rajender 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 22.12.2023 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.

April 04, 2024
Dpr

(Pankaj Jain)
Judge

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