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

**CRM-M-39244-2023
Date of decision : 06.11.2023**

MAINA

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Davneet Sangwan, Advocate
for the petitioner.

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

PANKAJ JAIN, J. (ORAL)

Apprehending her arrest in FIR No.216 dated 09.05.2023, registered for offences punishable under Sections 21-C 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.

2. On 31.08.2023, the following order was passed :-

“Learned State counsel seeks time to file status report.

Adjourned to 06.11.2023.

In the meanwhile, petitioner shall join investigation, as and when required by the Investigating Agency and subject to her reporting to the Investigating Officer within two weeks from today, no coercive steps qua arrest of the petitioner shall be taken. In case, her arrest is required to be caused, petitioner shall be released on bail by the Arresting Officer till the next date of hearing on her furnishing personal bonds to the satisfaction of

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Arresting Officer. Petitioner shall also abide by all the conditions as envisaged under Section 438 (2) Cr.P.C.”

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

4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 31.08.2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. 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.

6. 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.

7. 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



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witnesses with a view to influence outcome of the investigation or trial.

9. Petition stands disposed off accordingly.

November 06, 2023

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

