

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

**CRM-M-2296-2022  
Date of decision: 16.05.2022**

**Sunil Kumar**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Deepak Aggarwal, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioner prays for grant of anticipatory bail in FIR No. 267 dated 15.12.2021, registered under Section 304 IPC and Section 29 of the NDPS Act, 1985 at Police Station Canal Colony, District Bathinda.

On 21.01.2022, the arrest of the petitioner was stayed by passing the following order:

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case; there is no other criminal case that the petitioner faces; there is no FSL report to support the prosecution's case that the deceased was administered intoxicant by the petitioner leading to his death; even if the case of the prosecution is accepted, though vehemently denied, it is not even alleged that the petitioner had the mens rea to cause the deceased's death; it is apparent that the deceased was a drug addict and died due to drug overdose; there is no evidence on the record to link the petitioner with the alleged crime and that the petitioner is also ready and willing to join investigation as and when called by the

investigating agency.

Notice of motion.”

Learned counsel for the petitioner submits that the petitioner is ready to join investigation.

Learned counsel for the State, on instructions from ASI Balwinder Singh, submits that the petitioner has in fact joined investigation.

In view of the above, the present petition is allowed and the interim order staying the arrest of the petitioner, vide order dated 21.01.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

**16.05.2022**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*