

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26077-2022 (O&M)
Date of Decision:-25.7.2022

Arihant @ Aryant

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.B.S. Gill, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by HC Jagjeet Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.40 dated 1.5.2022 at Police Station Bahawala, District Fazlilka, under Sections 18, 29, 61 of Narcotic Drugs and Psychotropic Substances Act.
2. Status report by way of affidavit of Shri Vibhor Kumar, PPS, Deputy Superintendent of Police (Rural), Abohar, District Fazilka has been filed by learned State counsel, which is taken on record.
3. At the time of issuance of notice of motion, the following order was passed on 9.6.2022:

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.40, dated 01.05.2022, under Section 18, 29, 61 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Bahawala, District Fazilka.

Counsel for the petitioner inter alia contends that petitioner has been falsely implicated in this case. It is contended that as per the secret information, the petitioner though was named in the FIR, however, the role alleged against him was that he supplied the alleged contraband opium to the co- accused Aman Tudi and Sunil Kumar. It is contended that petitioner has no criminal antecedents and the allegations against him are totally false and frivolous. It is further submitted that the alleged recovery from co-accused Aman Tudi and Sunil Kumar is of 100 gm opium, which is non-commercial quantity. He submits that in view of the facts and circumstances of the case as the petitioner has no criminal antecedents, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion.

On the asking of the Court, Ms. Sakshi Bakshi, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Adjourned to 25.07.2022.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- “(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;
- (ii) That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) That the petitioner shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.”

4. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation. Learned State counsel has informed that the petitioner is not involved in any other case.
5. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and he is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 9.6.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

25.7.2022

pankaj

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No

(**Gurvinder Singh Gill**)
Judge