

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

Sr. No.101

CRM-M-31149-2022

Date of decision : 26.8.2022

Vishal Kumar @ Vishal

.....Petitioner

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Munish Puri, Advocate for the petitioner

Mr.Maypreet Singh, DAG, Punjab
assisted by ASI Kulvinder Singh

AMAN CHAUDHARY, J.

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No. 62 dated 22.4.2022, registered under Section 21, 29 of the NDPS Act (added later on) at Police Station Division No.2, District Pathankot.

Vide order dated 21.7.2022, while noticing the submissions made by learned counsel for the petitioner, inasmuch as it was submitted that it was a case of false implication, petitioner is 18 years old, named in the disclosure statement of co-accused Abhishak, interim bail has been granted to the petitioner. In the said order the presence of the learned State counsel was also recorded. Thereafter, on 10.8.2022 learned counsel for the petitioner had sought one more opportunity for the petitioner to join investigation. For the aforesaid purpose, the Coordinate Bench has granted

one week time to the petitioner to join the investigation. Learned counsel for the petitioner today submits that the petitioner had joined the investigation on 16.8.2022.

Since, formal notice had not been issued, notice is issued to the respondent-State. Mr.Mavpreet Singh, DAG, Punjab accepts notice on behalf of the respondent-State. He, on instructions from ASI Kulvinder Singh, submits that as of now the petitioner is not required for custodial interrogation. However, he states that in case the need be the petitioner be directed to join investigation as and when called for.

To this, learned counsel for the petitioner undertakes that the petitioner will appear before the investigating agency as and when required for the investigation without any gamut.

In view of the above, the present petition is allowed and the order dated 21.7.2022, vide which the petitioner was granted interim anticipatory bail is made absolute subject to compliance of Section 438(2) Cr.P.C.. He shall also appear before the investigating officer as and when called for.

However, it is made clear that if the petitioner fails to join the investigation, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

26.8.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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