

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

205

**CRM-M-51513-2021
Date of decision: 09.03.2022**

KARANVEER ALIAS KALLUPETITIONER

Versus

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Ms. Neetu Singh Aashat, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 195 dated 13.11.2021 registered under Section 21(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar, District Bathinda.

While issuing notice of motion on 10.12.2021, this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 10.12.2021 reads as under :-

“The allegation against the petitioner is that the recovery of heroin having been effected from the accused Balwinder Singh was purchased by him from the present petitioner.

It is contended that the petitioner has been falsely implicated in the present case as the alleged recovery of 8 gms heroin and drug money of Rs.14,000/- was effected from the possession of Balwinder Singh @ Gogi and it was only on the basis of his disclosure statement, that the present petitioner has been nominated in the present FIR.

Notice of motion for 09.03.2022.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to 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;

(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 the previous permission of the Court.”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 10.12.2021, submitted that in compliance with order dated 10.12.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Jit Singh, acknowledged that in compliance with order dated 10.12.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not

required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 10.12.2021 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

09.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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