

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

205

CRM-M-1749-2023 (O&M)
Date of decision: 14.07.2023

Pawan Kumar @ Pamma

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.P. Dhir, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 20.01.2023, this Court had passed the following order:-

“Counsel for the petitioner *inter alia* contends that the petitioner is falsely implicated in this case which is relating to recovery of 12 grams of Heroin and that too from co-accused Sumit Kumar @ Shambhu who allegedly named one Sunil Kumar who further named the present petitioner. He further submits that the petitioner is ready to join the investigation with the police.

Present petition is opposed by the State counsel who submits that the petitioner is named as accused in the present case on the basis of the disclosure made by co-accused and till date, 12 grams of Heroin is recovered in this case from co-accused and that the petitioner is also involved in one another case under NDPS Act in which he was later on granted bail.

Admittedly, the petitioner was not named in the present FIR and was named later on as accused and 12 grams of Heroin is stated to be recovered from co-accused Sumit Kumar. Apparently, at this stage, rigors of Section 37 of NDPS Act are not attracted to the instant case.

In the meantime, in case of arrest, the petitioner is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner should join the investigation with the police well in time before the next date of hearing and is to abide by the conditions as envisaged under Section 438(2) of Cr.P.C.

Now be listed on 14.7.2023.”

2. Learned counsel submits that in pursuance of the aforesaid order, the

petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from ASI Sukhwinderpal Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 20.01.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

14.07.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No