

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

208

CRM-M-9417-2023 (O&M)

Date of decision: 26.07.2023

Mohd. Farman

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sanpreet Sandhu, Advocate for the petitioner

Mr. Dhruv Sihag, AAG Haryana

AMAN CHAUDHARY. J.

1. On 15.03.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.317 dated 15.11.2022, registered under Sections 21-B and 29 of NDPS Act, at Police Station Chhappar, District Yamuna Nagar.

Learned counsel for the petitioner contends that his name surfaced based on disclosure statement of co-accused Neeraj Kumar, who was named by co-accused Pardeep Kumar, and the alleged recovery of contraband from him was non-commercial in nature. The petitioner is not involved in any other case. He submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency. He relies on the judgments passed by Hon'ble The Supreme Court of India in the cases of Toofan Singh Vs. State of Tamil Nadu, 2021 (1) RCR (Crl.) 1 and Subodh Kumar Sagar @ Subodh Kumar Sah Vs. The State of Bihar-Crl. Misc. No.29907 of 2022.

Notice of motion.

At the asking of the Court, Mr. Zorawar Singh, DAG Haryana accepts notice on behalf of respondent-State. Meanwhile, the petitioner is directed to join the investigation on or before 24.03.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join

and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 10.05.2023.”

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 SI Gurmail 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 15.03.2023 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

26.07.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No