

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

206

CRM-M-13362-2023 (O&M)

Date of decision: 17.07.2023

Balwinder Singh @ Binder

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Manipal Singh Attwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 16.03.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case F.I.R. No.11 dated 03.02.2023, under Sections 15 (b) and 29 of NDPS Act, 1985 , registered at Police Station City Nakodar, Jalandhar (Rural).

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case as earlier also, an FIR No.79 dated 05.07.2022, under Section 15 of NDPS Act, Police Station City Nakodar, District Jalandhar, pertaining to alleged recovery of 5 kg of poppy husk, was registered against the petitioner and he was released on bail in the said case vide order dated 17.08.2022 passed by the Special Judge, Jalandhar. He further contends that since the Investigating Officer was pressuring the family of the petitioner for illegal gratification and when the petitioner refused to do so, the present FIR has been registered against him by the same Investigating Officer at the same Police Station. He further submits that the allegation in the FIR is that the wife of the petitioner was apprehended at the spot as she was a pillion rider on the motorcycle being driven by the petitioner whereas a perusal of the CCTV Cameras footage shows that she has been apprehended from her house.

Notice of motion.

Mr. Jashanpreet Singh, DAG, Punjab puts in appearance and accepts notice on behalf of respondent-State and seeks time to file status report/reply.

Adjourned to 17.07.2023.

In the meantime, 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:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do.
- 2) 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.
- 3) That the petitioner shall not leave India without prior permission of the court.”

2. Learned counsel submits that in pursuance of the aforementioned 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 Mandeep 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 16.03.2023 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.

17.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No