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

CRM-M-33836-2022
Date of Decision: 23.03.2023

Balwant Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Jagjit Singh Gill, Advocate for
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C.
is for grant of anticipatory bail to the petitioner in case FIR No.0335 dated
18.07.2022, under Section 15 of the Narcotic Drugs and Psychotropic
Substances Act, registered at Police Station Sadar Sirsa, District Sirsa.

On 03.08.2022 the following order was passed by Co-ordinate
Bench of this Court :-

*“The instant petition has been filed under Section 438
of the Code of Criminal Procedure for grant of anticipatory
bail to the petitioner in case bearing FIR No.0335 dated
18.07.2022 under Section 15 of the Narcotic Drugs and
Psychotropic Substances Act, registered at Police Station
Sadar Sirsa, District Sirsa.*

Learned counsel for the petitioner contends that as per

the allegations culled out from the FIR, Kanwaljit Kaur wife of the petitioner was apprehended by the Police party for being in possession of 04 kg of poppy husk. It is alleged that the petitioner was accompanying his wife, who, on seeing the Police party, fled away from the spot. He further contends that no recovery is to be effected from the petitioner and he is not involved in any previous case under the NDPS Act and undertakes to join investigation.

Notice of motion.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana accepts notice on behalf of the respondent-State.

To come up for further consideration on 01.11.2022.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Rajpal Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 03.08.2022 passed by Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any

of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

23.03.2023

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No