

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

101

CRM-M-33706-2023

Date of decision: 17.08.2023

Pankaj Kumar Gupta

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Abhinav Sood, Advocate and
Ms. Anmol Gupta, Advocate, for the petitioner.

Mr. H.S. Sullar, Sr. DAG, Punjab.

AMAN CHAUDHARY. J.

1. On 17.07.2023, this Court had passed the following order:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No.74 dated 31.05.2023 under Sections 22,29 of the NDPS Act registered at Police Station Bullowal, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and has only been roped in on the basis of disclosure statement of co-accused Gagandeep Singh and no contraband has been recovered from him hence, as the petitioner is ready to join the investigation and co-operate with the same, he be granted the concession of anticipatory bail.

Learned State counsel on instructions from ASI Gurdip Singh submits that there are no other cases pending against him and the petitioner has been roped in on the basis of disclosure statement of co-accused Gagandeep Singh from whom 800 tablets of Tramadol Hydrochloride have been recovered.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the case where the petitioner has only been roped in on the basis of disclosure statement of co-accused Gangandeep Singh from whom contraband has been recovered, as the petitioner is ready to join the investigation and cooperate with the same, the purpose of investigation will be achieved in case the petitioner is

directed to join the investigation and cooperate with the same.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he 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 the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 17.08.2023.

It is, however, made clear that after the petitioner joins the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

2. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but has 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 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 17.07.2023 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

17.08.2023
Ankur

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