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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 41065 of 2023
Date of Decision :21.11.2023

HARMAIL SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. R.P.S. Jammu, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

.....

SANJIV BERRY, J.

It is inter alia contended by learned counsel for the petitioner that the petitioner has already joined investigation in compliance of the orders dated 31.10.2023 passed by this Hon'ble Court and as such prays for confirmation thereof.

2. Learned State counsel on instruction from SI Tarsem Singh has intimated that the petitioner has joined the investigation in this case. He however, has opposed the bail petition by arguing that the petitioner has committed heinous crime and as such does not deserved the concession of bail.

3. During the course of the proceedings following orders were passed on 31.10.2023 :-

“ By way of present petition filed under
Section 438 Cr.P.C., the petitioner seeks anticipatory bail

in case FIR(Annexure P-1) as under:-

FIR No.	Dated	Sections	Police Station
157	27.07.2023	15B, 29 NDPS Act	Odhan, District Sirsa.

2. It is inter alia submitted by learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case on the basis of alleged disclosure statements of accused Naresh Kumar and Mukha who were apprehended by police in the aforesaid case with 40 kgs of poppy husk. He submits that the mobile number mentioned in the reply dated 16.09.2023 filed by way of affidavit of Deputy Superintendent of Police, Kalanwali, District Sirsa does not belong to the petitioner. He further submits that he was apprehended by the police in two cases in 2019 (both registered on the same day) and in one case, he was not named while in other case, recovery of 3 kg of poppy husk was there and he is facing trial in those cases.

3. Learned State counsel has referred to the reply dated 16.09.2023 filed by way of affidavit of Deputy Superintendent of Police, Kalanwali, District Sirsa, qua the details pertaining to the mobile numbers and admits that as per record, the subscriber is one Akashdeep and not the petitioner.

4. In such circumstances, without commenting upon the merits, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

5. Adjourned to 21.11.2023. ”

4. In compliance of the above said orders, petitioner had joined the investigation and is not required for custodial interrogation.
5. Consequently, keeping in view the above facts and circumstances and the fact that the petitioner had joined investigation and not required for further investigation or custodial interrogation, the interim bail granted to the petitioner vide order dated 31.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, he will not tamper with the evidence nor will influence the witnesses; shall cooperate with the investigation as and when so required.
6. The petition stands allowed.
7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.11.2023

<i>Gyan</i>	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No