

2023:PHHC:090448

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

207

CRM-M-48724-2022 (O&M)
Date of decision: 19.07.2023

Rajender Kumar @ Chanan

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.K. Bishnoi, Advocate for the petitioner

Mr. Vikrant Pamboo, Sr. DAG Haryana

AMAN CHAUDHARY. J.

1. On 22.11.2022, this Court had passed the following order:-

“Status report by way of an affidavit of Deputy Superintendent of Police, Ellenabad, District Sirsa has been filed on behalf of the respondent/State, which is taken on record.

Learned counsel for the petitioner has submitted that even on perusal of the affidavit filed by the State there is no material available with the State to connect the petitioner with the present offence except for the disclosure statement of the co-accused which is otherwise not admissible in evidence in view of the judgment of the Hon'ble Supreme Court in “Tofan Singh Vs. State of Tamil Nadu”, 2021(1) RCR (Criminal) 1. He further submitted that even otherwise also, there was a recovery of small quantity of Poppy Husk i.e. 3.5 kgs. from the co-accused which does not fall in the category of commercial quantity.

In view of the aforesaid position, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 01.05.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned 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 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 22.11.2022 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

July 19, 2023
M.Kamra

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