

2023:PHHC:139228

220(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47395-2023

Date of decision: 31.10.2023

JASVEER SINGH

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE SANJIV BERRY

Present: Mr. P.S. Guliani, Advocate for the petitioner.

Mr. Surinder Singh, AAG, Haryana.

SANJIV BERRY J. (ORAL)

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	15-(b)/29 of NDPS Act	P.S. Odhan, District Sirsa

2. Learned State counsel has placed on record the status report dated 28.10.2023 in the form of affidavit of Deputy Superintendent of Police, Dabwali, District Sirsa. Copy thereof has been supplied to learned counsel for the petitioner..
3. Learned State counsel on instructions from SI Tarsem, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation. Learned State counsel, also by referring to the reply, submits that there is no other case registered against the petitioner.

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4. During the course of hearing, on 20.09.2023, the following order was passed:-

“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: -

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
157	27.07.2023	15-(b)/29/61/85 of NDPS Act	P.S. Odhan, District Sirsa

2. *Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has not committed any crime but has been nominated on the basis of alleged disclosure statement of the co-accused, namely Mukha Ram @ Mukha, who was apprehended by the police with 20 kgs of poppy husk along with one Naresh also keeping in conscious possession of 20 kgs of poppy husk. He further contends that the alleged disclosure statement has no value in the eyes of law and has further submitted that the aforesaid Mukha Ram @ Mukha, happens to be the brother-in-law of the petitioner and his name has been intentionally mentioned by him due to the fact that the petitioner had filed a divorce petition under Section 13 of the Hindu Marriage Act 1955 (Annexure P-2) against the sister of the aforesaid Mukha Ram @ Mukha.*

3. *It is further submitted by learned counsel for the petitioner that there is no criminal antecedents of the petitioner regarding his involvement in any other case of the NDPS Act and is ready to join investigation.*

4. *Notice of motion.*

5. *On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.*

6. *Adjourned to 05.10.2023.*

7. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

8. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today. In the event of the arrest of the petitioner, he shall 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. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 20.09.2023 passed by this Court, interim bail granted vide order dated 20.09.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 31, 2023
manisha

(SANJIV BERRY)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |