

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49531-2023
Date of decision: 07.11.2023

AMIR KHANPetitioner

Versus

STATE OF HARYANA ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Sahil Choudhary, Advocate for the petitioner.

Mr. Gagandeep Singh Chhina, 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	Section	Police Station
233	17.09.2023	21-B and 29 of NDPS Act.	Sadhaura, District Yamuna Nagar.

2. It is submitted by learned counsel for the petitioner that in compliance with the order dated 18.10.2023, the petitioner has already joined investigation.

3. Learned State counsel, on instructions from SI Satish, has intimated that the petitioner has joined investigation and is not required for further investigation in the matter.

4. During the course of hearing on 18.10.2023, following order was passed:

“Learned State counsel placed on record status report by way of affidavit dated 16.10.2023 filed by Deputy Superintendent of Police, Yamuna Nagar. The same is taken on record and copy thereof has been supplied to the counsel opposite.

2. *It is inter alia contended by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the basis of alleged disclosure statement given by accused Parvinder Singh @ Babbu, who infact was also nominated on the basis of disclosure statement of accused Amandeep Singh on 17.09.2023 and recovery of contraband was effected from him. He submits that the petitioner has no concern whatsoever with said Parvinder Singh @ Babbu nor he is in contact with him. He submits that the aforesaid disclosure statement is of no value in the eyes of law and the petitioner is ready to join the investigation.*

3. *Learned State counsel admits that the petitioner has been nominated on the basis of disclosure statement made by accused Parvinder Singh @ Babbu. A perusal of reply reveals that although there is mention of call details pertaining to the mobile numbers of the co-accused Amandeep Singh, Parvinder @ Babbu, Mahesh Kumar and Jasvinder Singh @ Jassi but there is no mention of any call details pertaining to the present petitioner.*

4. *In these circumstances, without commenting on the merits of the case, the petitioner is directed to join the investigation first. Accordingly, the petitioner is directed to join investigation within 7 days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/ Investigation Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

5. *Adjourned to 07.11.2023.”*

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 18.10.2023 passed by this Court, interim bail granted vide order dated 18.10.2023 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.

(SANJIV BERRY)
JUDGE

07.11.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |