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

**CRM-M-57923-2022
Date of Decision: 04.05.2023**

Kuldeep

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.318, dated 01.12.2022, registered under Sections 21-B and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Bass, Hansi, District Hisar.

2. On 22.12.2022 the following order was passed by Co-ordinate Bench of this Court :-

“Reply by way of an affidavit of the Deputy Superintendent of Police, Hansi, dated 20.12.2022, is taken on record.

Learned counsel for the petitioner has submitted that the recovery in the present case of 10 grams of heroin was effected from the co-accused of the petitioner and nothing was recovered

from him even otherwise he was nominated on the basis of the disclosure statement of the co-accused. He further submitted that even otherwise also the petitioner is not involved in any other case and therefore he may be considered for the grant of anticipatory bail.

Adjourned to 04.05.2023.

Meanwhile, the petitioner is directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all the conditions as provided under Section 438 (2) Cr.P.C. ”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

4. Learned State counsel on instructions from ASI Karambir has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 22.12.2022 passed by Co-ordinate Bench of this Court is made absolute.

7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed here-in-above shall be construed to be an

observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

10. The petition is accordingly disposed of.

04.05.2023
Himani

(HARSH BUNGER)
JUDGE

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