

2023:PHHC:058442

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

**CRM-M-59410 of 2022
Date of decision: 25.04.2023**

ASHNI KUMAR ALIAS SUNNY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen Batra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.302 dated 28.11.2022, under Sections 29-61-85 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 304 IPC lodged with Police Station Tanda, District Hoshiarpur (Annexure P-1)

2. On **19.12.2022**, the following order was passed:

Learned counsel for the petitioner inter alia contends that in the present case, as per the FIR, it has been stated by the complainant that Harjit Singh (uncle of the complainant) had been taking drugs for some time and he had even been admitted in a De-addiction Centre. It is further submitted that the drug which the said Harjit Singh had consumed prior to his death, was purchased from Saddi i.e. daughter-in-law of Pushpa resident of Chandigarh Colony and not from the present petitioner. It is contended that the name of the petitioner has been mentioned by the complainant alongwith large number of other persons without there being any specific allegations much less with respect to sale of the drug which the deceased consumed immediately before his death. It is further contended that neither the names of the persons which have been mentioned in the complaint had been mentioned by the deceased, nor the same have come up during

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the course of investigation and the same had been given by the complainant himself without disclosing as to on what basis the said names had been disclosed. It is argued that earlier also, the petitioner has been falsely implicated in another FIR registered on 26.11.2022 Notice of motion for 13.01.2023. In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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.

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions.

4. On instructions, learned State counsel submits that the petitioner has joined the investigation and his custodial interrogation is not required.

5. In view of the aforesaid submissions, the order dated 19.12.2022, granting interim bail to the petitioner is made absolute.

6. The petition is allowed.

25.04.2023

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(VIVEK PURI)
JUDGE

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