

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2305-2024
Date of decision:18.04.2024

Arjun Kumar.....Petitioner.

Versus

State of Haryana....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Dheeraj Narula, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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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
01	01.01.2024	21(b) of the NDPS Act	Rania, District Sirsa (Haryana)

2. Learned counsel for the petitioner submits that in
compliance to the order dated 16.01.2024, the petitioner has joined the
investigation.

3. During the course of hearing on 16.01.2024, following
order has been passed: -

‘The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.01 dated 01.01.2024, under Section 21(b) of NDPS Act, registered at Police Station Rania, District Sirsa.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and recovery of contraband i.e., 7 grams of heroin was effected from co-accused Satish Kumar, which is non-commercial in nature. He further submits that the petitioner was not found at the spot and the prosecution has failed to assert any connection with the main accused as well as alleged contraband.

Notice of motion.

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent-State, who seeks time to get the instructions.

In the meantime, the petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 18.04.2024.’

4. Learned State counsel on instructions from ASI Kuldeep, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

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 16.01.2024 passed by this Court, interim bail granted vide order dated 16.01.2024 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.

18.04.2024
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(SANJIV BERRY)
JUDGE

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