

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-3232-2024  
Date of decision: 20.03.2024

AAKASH  
....PETITIONER

VERSUS

STATE OF PUNJAB  
....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Jashandeep Singh, Advocate for the petitioner.  
Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

| FIR No. | Dated      | Sections                                                    | Police Station                        |
|---------|------------|-------------------------------------------------------------|---------------------------------------|
| 214     | 23.11.2023 | 21 (C) and 25 of NDPS Act and 29 of NDPS Act added later on | Nehianwala, District Bathinda, Punjab |

2. Learned counsel for the petitioner submits that in compliance to the order dated 05.03.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 05.03.2024.

3. Learned State counsel, on instructions from ASI Rajinder Singh, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

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4. During the course of hearing on 05.03.2024, following order was passed:

*“3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has no concern whatsoever with the alleged transaction even he is not named in the FIR nor he is facing any other case till date but has been nominated on the basis of statement of accused Ajay Masih, who was apprehended along with contraband.*

*4. Per contra, learned State counsel, on instructions from ASI Ranjit Singh, submits that there is no other case registered against the petitioner and that he is nominated on the basis of disclosure statement of co-accused Ajay Masih.*

*5. Without commenting on the merits of the case and considering the facts and circumstances, it is deemed appropriate that the petitioner should join the investigation first before deciding the petition on merits.*

*6. Accordingly, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to 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.*

*7. List on 20.03.2024.”*

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 05.03.2024 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

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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

20.03.2024

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