



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

CRM-M-4475-2024

Date of decision: 23.08.2024

JIYA RAM

...PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. D.N. Ganeriwala, Advocate with
Mr. Keshav Kapoor, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
55	17.09.2023	18-B of NDPS Act and Section 29 of NDPS Act added later on.	GRP Gurugram. Gurugram.

2. Mr. Satyander Kumar, Deputy Superintendent of Police, H.S.N.C.B. Rohtak, is present in Court and tendered explanation vide his sworn affidavit dated 21.08.2024, which is taken on record. He has tendered unconditional apology and assured to be more careful in future. Keeping in view the same, the apology tendered by the concerned officer is accepted. Investigating officer of the case SI Jaiveer Singh is present in Court along with record today.

3. It is submitted by learned counsel for the petitioner that in compliance to the order dated 01.07.2024 passed by this Court, the



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petitioner has already joined the investigation and co-operated to the same and as such prayed for confirming the interim bail granted vide order dated 01.07.2024 .

4. Learned State counsel, on instructions received from SI Jaiveer Singh, intimates the Court that the petitioner has already joined investigation and is neither required for further investigation nor for any custodial investigation.

5. During the course of hearing on 01.07.2024, following order was passed:

“ 3. Arguments heard.

4. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that although two cases under NDPS Act were registered against the petitioner in 2006 and 2010 but he has already been acquitted therein as has been fully mentioned in Para No.16 of the petition. He submits that the present FIR was registered against the co-accused on the basis of secret information and in pursuance thereto, recovery of contraband has already been effected from co-accused Happu Ram. During course of interrogation, Happu Ram has made disclosure statement nominating one Prem Chand and later exonerated without even joining him in investigation and the police got another alleged disclosure statement wherein the petitioner has been nominated. He submits that the petitioner has no concern with the alleged transaction and has been falsely implicated in this case. He further submits that the petitioner is ready to join the investigation.



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5. *Learned State counsel, by referring to the reply submitted by the State, has not disputed the factual matrix and submitted that the petitioner has been nominated on the basis of disclosure statement made by accused Happu Ram. He admits that the said Happu Ram has made the first disclosure statement nominating one Prem Chand as accused but the said Prem Chand had not been joined the investigation and had been exonerated as in the second statement made by him, he had nominated the present petitioner.*

6. *List on 24.07.2024.*

7. *In the meanwhile, 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.”*

6. 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 01.07.2024 passed by this Court, interim bail granted vide order dated 01.07.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. 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.



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- 7. The petition stands allowed.
- 8. 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

23.08.2024
kanika

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