

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4880-2024
Date of decision: 22.02.2024

BALJINDER SINGH ...Petitioner

VS

STATE OF HARYANA ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sukhchain Singh Dhillon, Advocate
for Mr. D.S. Virk, Advocate
for the petitioner.
Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

1. Status report dated 18.02.2024 in the form of an affidavit of Deputy Superintendent of Police, Sirsa, District Sirsa has been filed. The same is taken on record.

2. 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	Sections	Police Station
233	11.12.2023	15(B) of NDPS Act	Baragudha, District Sirsa

3. Learned counsel for the petitioner submits that in compliance to the order dated 31.01.2024, the petitioner has joined the investigation.

4. During the course of hearing on 31.01.2024, following order had been passed: -

‘2. 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 further contends that the petitioner is not even named in the FIR but has been

allegedly nominated in this case on the basis of some disclosure statement made by the accused, namely Kulwinder Singh @ Kindi, who was apprehended at the spot by the police and recovery of 5 kg of poppy husk was effected from him. He has further assailed the evidentiary value of the alleged disclosure statement and has stated that the petitioner has no concern whatsoever with the alleged transaction.

3. Learned counsel for the petitioner further contends that the petitioner is ready to join investigation.

4. Notice of motion.

5. On the asking of the Court, Mr. Dhruv Sihag, AAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.

6. Adjourned to 19.02.2024.

7. Needful be done well before the date fixed with an advance copy to the counsel opposite.

8. 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.'

5. Learned State counsel submits that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

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 31.01.2024 passed by this Court, interim bail granted vide order dated 31.01.2024 is hereby confirmed, subject to

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.

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.

22.02.2024
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(SANJIV BERRY)
JUDGE

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