

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6230-2024
Date of decision: 06.03.2024

RAHUL ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Aman Kumar, Advocate for
Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 27.02.2024 in the form of an affidavit of Deputy Superintendent of Police, (City) Ferozepur has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. 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
0529	20.12.2023	21 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 29 of NDPS Act added later on	City Ferozepur, District Ferozepur

3. Learned counsel for the petitioner has submitted that in compliance to the order dated 06.02.2024 passed by this Court, the

petitioner has joined the investigation.

4. Learned State counsel informs the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.

5. During the course of hearing on 06.02.2024 following order was 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 contends that the petitioner is not even named in the FIR nor has to do nothing with the alleged transaction. He further contends that the co-accused, namely Sajan and Kapil were apprehended by the police and from their possession, 100 grams of heroin of non commercial quantity was recovered.

3. Learned counsel for the petitioner further contends that the petitioner is alleged to have been nominated on the basis of their disclosure statement although he has nothing to do with the said transaction. The petitioner has no previous case under the NDPS Act registered against him and the petitioner is ready to join investigation.

4. Notice of motion.

5. On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions from ASI Ayub Masih, intimates that there is no other case pending against the petitioner under the NDPS Act and he has been nominated on the basis of the statement of the co-accused (supra). He prays for time to file the status report/reply in the matter.

6. Adjourned to 27.02.2024.

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.”*

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 06.02.2024 passed by this Court, interim bail granted vide order dated 06.02.2024 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.
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

06.03.2024
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