

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8310-2024
Date of decision: 11.03.2024

RAJ KUMAR ALIAS RAJU ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Avtar Singh Syan, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

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
01	01.01.2024	22 and 29 of NDPS Act, 1985	Julkan, District Patiala

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 16.02.2024 passed by this Court, the petitioner has joined the investigation.
3. Learned State counsel, on instructions from ASI Sukhdev Singh, informs the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.
4. During the course of hearing on 16.02.2024 following order

“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 neither named in the FIR nor has any concern with the alleged transaction but has been nominated on the basis of alleged disclosure statement made by the co-accused, namely Major Singh, who was apprehended with intoxicant powder with whom the petitioner has no concern. He further contends that the petitioner is not having any criminal case registered against him.

3. Notice of motion, returnable for 04.03.2024.

4. On the asking of the Court, Mr. Daksh Prem Azad, AAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.

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

6. 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. 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 16.02.2024 passed by this Court, interim bail granted vide order dated 16.02.2024 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.

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

11.03.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No