

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-8259-2024
Date of decision: 22.03.2024

HAPPY ALIAS INDERJIT SINGH
....PETITIONER

VERSUS

STATE OF PUNJAB
....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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
02	11.01.2024	21-A and 27-A of the NDPS Act and 25 of the Arms Act, 1959	Dinanagar, District Gurdaspur.

2. Learned counsel for the petitioner submits that in compliance to the order dated 07.03.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 07.03.2024.

3. Learned State counsel 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 07.03.2024, following order was passed:

“1. Short reply dated 06.03.2024 filed in the form of affidavit of Deputy Superintendent of Police, Dinanagar, District Gurdaspur, on behalf of State-respondent, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Heard.

3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner has no concern whatsoever with the alleged transaction or recoveries effected from the co-accused. He contends that the name of the petitioner never figured in the FIR but he has been nominated on the basis of disclosure statement of the co-accused, namely Mani Singh @ Mau, who infact was nominated on the disclosure statement of Kanwaljit Singh and Rupinder Singh, who were apprehended at the spot. He further contends that the petitioner has no previous case registered under the NDPS Act.

4. Per contra, learned State counsel, on instructions from SI Surjit Singh, does not dispute the factual matrix of the case and has stated that the petitioner is not facing any other case under the NDPS Act, however, the case under Sections 323, 324 IPC is registered against him wherein he is on bail.

5. Keeping in view the facts and circumstances of the case, it is deemed appropriate that the petitioner should join the investigation before deciding the petition on merits. Accordingly, the petitioner is 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. List on 22.03.2024. ”

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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 07.03.2024 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 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

22.03.2024

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