

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9773-2024
Date of decision: 02.04.2024

NARESH KUMAR SHARMA
....PETITIONER

VERSUS

STATE OF PUNJAB
....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amardeep Singh Mann, Advocate and
Mr. Mohit Shukla, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, 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	Section	Police Station
95	05.12.2015	22 of the NDPS Act	City Budhlada, District Mansa.

2. Learned counsel for the petitioner submits that in compliance to the order dated 12.03.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 12.03.2024.

3. Learned State counsel, on instructions from ASI Jugraj Singh, 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 12.03.2024, following order was passed:

“It is, inter alia, submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner was earlier arrested in this case and later discharged vide order dated 05.04.2016 passed by learned Judge, Special Court, Mansa, (Annexure P-3). He submits that the police had preferred the cancellation report, which is Annexure P-2, however, the cancellation was not accepted and the matter was sent for further investigation vide order dated 21.10.2019 (Annexure P-4/C). He submits that now the challan has been presented and the learned trial Court has issued summons for the appearance of petitioner on 01.04.2024. He submits that the petitioner is having no criminal antecedents and is ready to appear in the trial Court.

3. *Notice of motion.*

4. *On the asking of the Court, Mr. Harpreet Singh, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State and filed status report dated 12.03.2024 in the form of an affidavit of Deputy Superintendent of Police, Sub Division Budhlada, District Mansa, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.*

5. *In the reply filed by the State, the version put forth by the petitioner has not been controverted. It is not disputed that the petitioner is having no criminal antecedents and after his arrest in the case. He had already been joined in the investigation. Keeping in view these circumstances, without commenting on the merits, 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*

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interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court.

6. *List on 02.04.2024.”*

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 12.03.2024 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

02.04.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |