

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-13944-2024
Date of decision: 08.05.2024

Mohammad Musafi Ansari

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kanwaljeet Singh Brar, 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
115	28.08.2023	22(c), 29 of NDPS Act	Cantt. Bathinda District Bathinda

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 20.03.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from ASI Gurvinder Singh has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. Heard.

5. During the course of hearing on 20.03.2024, the following order was passed:-

“The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.115, dated 28.08.2023 (Annexure P-1), under Sections 22(c), 29/61/85 of NDPS Act, 1985, registered at Police Station Cantt. Bathinda, District Bathinda.

Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR but was subsequently roped in the instant FIR only on the basis of disclosure statement of co-accused Sunil Kumar. He further contends that similarly situated co-accused of the petitioner namely, Kamal @ Kamaljeet Kaur has been granted the concession of anticipatory bail by this Court vide order dated 08.11.2023, passed in CRM-M-50454- 2023.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State and seeks time to get necessary instructions.

In the meantime, the petitioner is directed to be released on interim bail subject to his joining investigation and reporting to the Investigating Officer concerned within one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

Adjourned to 08.05.2024.”

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 20.03.2024 passed by this Court, interim bail granted vide order dated 20.03.2024 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.

7. The petition stands allowed.

08.05.2024
Kanika/joyti

(SANJIV BERRY)
JUDGE

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