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**CRM-M-24703-2024**  
**Date of decision: 28.10.2024**

**...Petitioner**

### ....Respondent

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**SANJIV BERRY, J. (ORAL)**

By way of present petition filed under Section 438 Cr.P.C., 2023, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

| <b>FIR No.</b> | <b>Dated</b> | <b>Sections</b>        | <b>Police Station</b>                                |
|----------------|--------------|------------------------|------------------------------------------------------|
| 0041           | 02.03.2024   | 21/21-C/29 of NDPS Act | Chheharta, District Police Commissionerate, Amritsar |

2. Learned counsel for the petitioner submits that in compliance to the order dated 16.05.2024, the petitioner has joined the investigation.

3. During the course of hearing on 16.05.2024, following order had been passed: -

“ By way of present petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.41 dated 02.03.2024 registered under



*Sections 21/21-C/29, (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (For short, 'the NDPS Act') at Police Station Chheharta, District Police Commissionerate Amritsar.*

*As per allegations, on the basis of secret information, a police party apprehended co-accused Jasbir Singh @ Mal, while riding a bike and from his possession, 2 kg. of heroin, falling in the commercial category, was recovered. It is alleged that during his interrogation, said co-accused Jasbir @ Mal, nominated the petitioner to be one of the person who along with him used to receive consignment of heroin from Pakistan. It was also disclosed by him that the petitioner had given the contraband to him (Jasbir) for supplying the same.*

*Learned counsel contends that the petitioner has been falsely implicated at the instance of one Jobandeep Singh, who had earlier lodged an FIR No.265 dated 03.11.2022 at Police Station Chheharta District Police Commissionerate, Amritsar under Sections 307, 427/34 IPC and Sections 25 and 27 of the Arms Act against the petitioner and others. Later on, Jasbir @ Mal nominated the petitioner and Jobandeep Singh in the present case. Petitioner has never been involved in any such activity. Jobandeep Singh even compromised the matter with main accused Amarpal Singh @ Raja of FIR No.265 (supra). Learned counsel further submits that the petitioner is ready to join the investigation.*

*Notice of motion.*



*Mr. Amandeep Singh, DAG, Punjab, accepts notice on behalf of the respondent- State.*

*Learned State Counsel concedes the fact that the petitioner has been nominated on the basis of disclosure statement of co-accused and that except for FIR No.265 (supra), petitioner is not involved in any other case under the provisions of the NDPS Act, as per information given to him by ASI Tarsem Singh.*

*Let complete status report be filed by the respondent- State on or before 07.08.2024, by also producing the evidence, if collected, showing the connection between the petitioner and the co-accused Jasbir @ Mal from whom the recovery was effected.*

*In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”*

4. Learned State counsel on telephonic instructions received from Inspector Robin Hans, P.S. Chheharta, District Amritsar informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.



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 16.05.2024 passed by this Court, interim bail granted vide order dated 16.05.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. 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.

28.10.2024  
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(SANJIV BERRY)  
JUDGE

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