

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24713-2024
Date of decision: 05.07.2024

TAUSIB....PETITIONER

Versus

THE STATE OF HARYANA...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Sanpreet Sandhu, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Reply dated 04.07.2024 in the form of an affidavit of Deputy Superintendent of Police Head Quarter, Yamuna Nagar, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. 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	Section	Police Station
54	03.03.2024	21-B of the NDPS Act	Sadhaura, District Yamuna Nagar

3. Learned counsel for the petitioner submits that in compliance to the order dated 22.05.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 22.05.2024.

4. Learned State counsel, on instructions from ASI Rishipal



intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.

5. During the course of hearing on 22.05.2024, following order was passed:

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent having no criminal case registered against him under the NDPS Act and has no role whatsoever in the alleged transaction whereby 15 grams of smack was recovered from the co-accused Sonu in instant FIR. He further contends that neither the petitioner is named in the FIR nor he has any concern with the same but has been falsely implicated on the alleged disclosure statement of the coaccused, namely Sonu, with whom the petitioner has no concern. He contends that although the petitioner is facing one criminal case under Section 379 IPC but he is on bail therein and has never indulged in any case of narcotics. Hence, prays for grant of anticipatory bail.

3. Notice of motion.

4. On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, 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. Adjourned to 05.07.2024.

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

7. 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. ”



6. 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 22.05.2024 passed by this Court, interim bail granted vide order dated 22.05.2024 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.

8. 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

05.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |