



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28086-2024
Date of decision: 02.08.2024

DEEPAKPETITIONER

Versus

STATE OF HARYANA ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Ms. Mansi, Advocate for
Mr. Mohit Rathee, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

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
100	28.04.2024	15 and 18 of Narcotics Drugs and Psychotropic Substances Act, 1985.	HSIIDC, Barhi, District Sonipat.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 23.07.2024 passed by this Court, the petitioner has joined the investigation.
3. Learned State counsel, on instructions from ASI Pardeep, informs the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.
4. During the course of hearing on 23.07.2024, following order was passed:



CRM-M-28086-2024

2

“ 2. *Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner was not named in the FIR but has been implicated on the basis of alleged disclosure statement made by co-accused Dhawan who was apprehended by the police and recovery was effected from him along with co-accused Bachan. He submits that the petitioner has no concern with the alleged transaction and is ready to join investigation.*

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.*

5. *Per contra, learned State counsel by referring to the reply submitted by the State, submits that the petitioner has three more cases registered under NDPS Act and Excise Act and he has been nominated on the basis of disclosure statement made by accused Dhawan as such he is not entitled for grant of concession of anticipatory bail.*

6. *Learned counsel for the petitioner has clarified that as far as the case under Excise Act is concerned, the petitioner has already been acquitted whereas in case FIR No.151 of 2012, the petitioner has although been convicted but has been sentenced only with fine whereas he is on bail in the third case FIR No. 382 dated 21.09.2016, wherein also, no recovery was effected from him but he was named on the basis of disclosure statement.*

7. *Keeping in view the submissions made by learned counsel for the petitioner, without commenting on the merits of the case, it is deemed appropriate that the petitioner should join investigation before deciding the petition on merits. Accordingly, the petitioner is hereby directed to join*



CRM-M-28086-2024

3

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.

8. *Adjourned to 02.08.2024.”*

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 23.07.2024 passed by this Court, interim bail granted vide order dated 23.07.2024 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

02.08.2024
kanika

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