

202-CRM-M-30431-2024

2024:PHHC:164232



3. During the course of hearing on 01.08.2024 following order has been passed: -

'Learned counsel for the petitioner inter alia submits that earlier FIR No.74 dated 24.04.2024 under Section 15 of NDPS Act, registered at Police Station Sadar Fazilka, in which petitioner was arrested and has already been granted bail by the learned trial Court on 08.05.2024. He further submits that petitioner has been falsely implicated in this case. As per prosecution version, raid was conducted and 15 Kg. of poppy husk was recovered but he was not arrested at the spot.

Notice of motion.

At the asking of the Court, Mr. Rajinder Singh Bhatta, DAG, Punjab accepts notice on behalf of the State. He seeks time to file status report.

Adjourned to 10.12.2024.

In the meantime, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to



dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.'

4. Learned State counsel on instructions received from ASI Puran Singh, 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 01.08.2024 passed by this Court, interim bail granted vide order dated 01.08.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 2023 (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 further made clear that in case the petitioner is found involved in any case under the NDPS Act, after his release on bail, it

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will be open for the prosecution to move an application for cancellation of his bail in accordance with the law and anything contained here-in-above shall not be construed to be an expression of opinion on the merits of the case.

10.12.2024
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(SANJIV BERRY)
JUDGE

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