



CRM-M-30826-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-30826-2024

Date of Decision:- 19.11.2024

Surender alias Surender Kumar alias Dholu

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vikas Bishnoi, Advocate for petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner Surender alias Surender Kumar alias Dholu has filed petition under Section 438 of Cr.P.C. for grant of anticipatory bail in FIR No.80 dated 07.03.2024, under Section 15(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 and during investigation Section 29 of NDPS Act, 1985 was added, registered at Police Station City Fatehabad, District Fatehabad.

2. On filing of present anticipatory bail petition, petitioner was granted relief of *interim* bail vide order dated 01.07.2024. Relevant part runs as under :-

“XXX XXX XXX”

*“In the meantime, in case petitioner is arrested, he be released on
interim bail to the satisfaction of Arresting Officer/Investigating*



Officer subject to the condition that petitioner will join the investigation as and when required. He will not tamper with or interfere with the investigation and will not leave the country without prior permission as provided under Section 438(2) Cr.P.C.”

3. Learned counsel for petitioner argued that petitioner is still ready to abide by the terms of bail order. Therefore, his interim bail already granted may be confirmed.

4. Learned counsel representing State assisted by SI Mahabir Singh, No.90/FTB, Police Station City Fatehabad, District Fatehabad opposed the anticipatory bail petition. Status report is already filed. As per status report, it is confirmed that petitioner has joined investigation in pursuance of the aforesaid order dated 01.07.2024. However, he did not cooperate in the investigation as he did not get the amount recovered which he had earned as commission from co-accused Nawal alias Aaliya and he further did not disclosed about the supplier having *whatsapp* No.+16285004173.

4. I have considered the arguments and have gone through the record. In the case in hand alleged recovery was effected from Buta Singh who named other person as Sachin and who further named present petitioner. There is no direct recovery from present petitioner who has already joined investigation. In the status report, there is reference of one mobile phone number as referred above and regarding this investigation can be carried out by the investigating agency and for this purpose custodial interrogation is not justified.

5. Considering the aforesaid factual position, without going on the merits of the case, *interim* bail already granted in favour of petitioner – Surender alias Surender Kumar alias Dholu vide order dated 01.07.2024 stands confirmed, subject to the conditions as enshrined under Section 438(2) of Cr.P.C.

7. Petition is accordingly allowed.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

19.11.2024

Sunil Devi

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No