



CRM-M-30844-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30844-2024
Date of decision: 22.07.2024

VISHNU DUTTPetitioner

Versus

STATE OF HARYANARespondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Inderjeet Singh, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-2) as under: -

FIR No.	Dated	Sections	Police Station
200	19.05.2024	15(b) of the NDPS Act	Sadar, Fatehabad

2. Learned counsel for the petitioner submits that in compliance to the order dated 01.07.2024, the petitioner has joined the investigation.

3. During the course of hearing on 01.07.2024, following order had been passed: -

“ 2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is not named in the FIR and in fact alleged recovery of the contraband, i.e. 3 kg 400 grams of poppy straw has been effected from the accused Sultan Singh, father of the petitioner. He contends that as per the case of the prosecution, the petitioner has been allegedly nominated on the basis of disclosure



statement made by the accused Sultan Singh which has been created by the police as there was no occasion for the said accused to name his own son in the disclosure statement. He contends that recovery effected from the father of the petitioner is also not commercial in nature, although, the petitioner has been nominated in one more case in 2022 but he is on bail in that case. He further contends that the petitioner 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 Staterespondent. She submits that the petitioner has been nominated on the basis of disclosure statement made by the accused Sultan Singh from whom recovery of 3 kg 400 grams of poppy straw was effected. She also admits that the petitioner is on bail in the other case registered against him and prays for time to file the status report/reply in the matter.*

5. *Adjourned to 22.07.2024.*

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.”*

4. Learned State counsel on instructions from ASI Chaman Lal 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 01.07.2024 passed by this Court, interim bail granted vide order dated 01.07.2024 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.

22.07.2024
puneet

(SANJIV BERRY)
JUDGE

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