

CRM-M No. 33674 of 2024 1

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M No. 33674 of 2024
Date of Decision: 02.09.2024

Rajesh KumarPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Jaspreet Kaur Sandhu, Advocate for the petitioner.

 Ms. Ruchika Sabharwal, Sr. DAG, Punjab.

MANISHA BATRA, J.(ORAL)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
40	10.05.2024	Division No.3, Ludhiana	21 and 29 of NDPS Act, 1985

2. Vide order dated 17.07.2024 passed by the Co-ordinate Bench
of this Court, the petitioner was released on interim bail and was directed to
join investigation. Order dated 17.07.2024 is reproduced as under:-

*“The prayer in the petition under Section 438 Cr.PC is
for grant of anticipatory bail to the petitioner in case FIR
No.40 dated 10.05.2024 registered under Sections 21, 29, 61,
85 of the NDPS Act at Police Station Division No.3, Ludhiana.*

*The counsel for the petitioner contends that the
petitioner has been named in the disclosure statement of his co-
accused. Reliance is placed on the order in ‘Vijay Singh versus
The State of Haryana, bearing Special Leave to Appeal (Crl.)
No(s).1266/2023 decided on 17.05.2023’, which is reproduced*



CRM-M No. 33674 of 2024 2

as under:-

“The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act”. His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail.

Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose.

The petition is allowed.

All pending applications are disposed of.”

Notice of motion for 02.09.2024.

Ms. Ramta K Chaudhary, DAG, Punjab accepts notice on behalf of the respondent-State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on 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 so as to dissuade him/her 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 and shall surrender his passport, if any.
Meanwhile, the State counsel is directed to file an affidavit as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned State counsel has been filed status report dated 01.09.2024. The same is taken on record. He further, on instructions states that the petitioner has joined the investigation on 18.08.2024 and no recovery has been effected from the petitioner. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 17.07.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

02.09.2024
Rajeev (rvs)

(MANISHA BATRA)
JUDGE

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