

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

204

CRM-M-39403-2023 (O&M)  
Date of decision: 11.01.2024

DANIVAIL

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present : Mr. Ritesh Pandey, Advocate for the petitioner(s).

Mr. Sarabjit Singh Cheema, DAG Punjab.

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**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                 |
|---------|------------|--------------------|--------------------------------|
| 36      | 16.05.2023 | 29 of the NDPS Act | Kalanaur District<br>Gurdaspur |

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 11.08.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
3. Learned State counsel, on instructions from ASI Harpal Singh has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.
4. Heard.
5. During the course of proceedings on 11.08.2023, the following order was passed:-

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*“Learned counsel for the petitioner has submitted that the name of the petitioner was nominated on the basis of the disclosure statement of the co-accused, from whom, there was an alleged recovery of 10 grams of Heroin. He submitted that he has categorical instructions to state that the petitioner has clean antecedents and he is not involved in any other case.*

*Notice of motion.*

*Mr. Ramdeep Partap Singh, Sr. DAG, Punjab accepts notice on behalf of the respondent/State and prays for some time to seek instructions in the present case.*

*Adjourned to 13.12.2023.*

*Meanwhile, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”*

6. 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 11.08.2023 passed by this Court, interim bail granted vide order dated 11.08.2023 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.

7. The petition stands allowed.

(SANJIV BERRY)  
JUDGE

11.01.2024  
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/ No