

CRM-M- 39274-2024
Date of decision: 31.08.2024

....Petitioner.

Versus

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Mr. Adesh Pal Singh, AAG, Punjab.

• • • • •

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C,
the petitioner seek anticipatory bail in case FIR (Annexure P-1) as
under: -

FIR No.	Dated	Sections	Police Station
66	13.08.2023	21(C) of the NDPS Act (29 of the NDPS Act added lateron)	Sarai Amant Khan, District Tarn Taran

2. Learned counsel for the petitioner submits that in compliance to the order dated 13.08.2024, the petitioner has joined the investigation.



3. During the course of hearing on 13.08.2024, following order has been passed: -

'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 has not been named in the FIR nor any role has been attributed to him but has been involved on the basis of disclosure statement made by the co-accused namely Gursewak Singh @ Sewak and Sonu Singh from whom recovery of contraband was effected. He contends that although he was nominated earlier in case FIR No. 21 dated 16.08.2022 under Sections 21 and 29 of the NDPS Act registered by NCB but later he was discharged therein. He contends that the petitioner came to know about the present case only when he applied for issuance of the passport.

3. *Learned counsel for the petitioner further contends that the petitioner is ready to join investigation.*

4. *Notice of motion.*

5. *On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions from ASI Narinder Singh, Police Station Sarai Amant Khan, District Tarn Taran, submits that apart from the disclosure statement (supra), nothing has come on record to connect the petitioner with the*



case. He prays for time to file the status report/reply in the matter.

6. *List on 31.08.2024.*

7 *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

8. *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 received from ASI Satpal 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 13.08.2024 passed by this Court, interim bail granted vide order dated 13.08.2024 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 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.

31.08.2024

preeti

(SANJIV BERRY)
JUDGE

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