

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49731-2023
Date of decision: 29.02.2024

MAHENDER SINGHPETITIONER(S)

VERSUS

STATE OF HARYANARESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kanwar Arun Singh, Advocate for
Mr.Amit Choudhary, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
176	05.07.2023	15 and 27-A of the NDPS Act, 1985	Sadar Ratia, District Fatehabad.

2. Learned counsel for the petitioner submits that in compliance to the order dated 03.10.2023 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 03.10.2023.

3. Learned State counsel, on instructions from ASI Gurpal Singh, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

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4. During the course of hearing on 03.10.2023, following order was passed:

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.176 dated 05.07.2023, registered under Section 15 of the NDPS Act, 1985, at Police Station Sadar Ratia, District Fatehabad.

Counsel for the petitioner contents that no recovery has been effected from the petitioner and he has been arraigned as an accused on the basis of a disclosure statement of co-accused from whom 5 kg 600 Gram of doda post, which falls within the ambit of non-commercial quantity, has been recovered. Counsel submits that although petitioner was named as an accused in another FIR lodged under the NDPS Act and he has been falsely implicated in both the cases.

Notice of motion.

On the asking of the Court, Mr.Munish Sharma, DAG, Haryana accepts notice on behalf of the respondent-State.

List on 07.12.2023

Petitioner is directed to appear before the Investigating Officer on 16.10.2023 at 11:00 AM at Police Station Sadar Ratia, District Fatehabad, and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/ Investigating Officer. He shall also abide by the conditions as specified under Section 438 Cr.P.C.

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order

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dated 03.10.2023 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.

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.

(SANJIV BERRY)
JUDGE

29.02.2024
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- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No