

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51534-2023
Date of decision: 22.02.2024

Ashok Kumar.....Petitioner.

Versus

State of Haryana....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sushil Sheoran, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
188	26.08.2023	20B(ii)C, 25, 27-A and 29 of the NDPS Act	Jhojhu Kalan, District Charkhi Dadrias

2. Learned counsel for the petitioner submits that in
compliance to the order dated 05.02.2024, the petitioner has joined the
investigation.

3. During the course of hearing on 05.02.2024, following order had been passed: -

‘2. *Heard.*

3. *Investigating Officer of the case is present in the Court and he has been heard.*

4. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner has no concern with the alleged transaction and in fact, one Rakesh was apprehended by the Police while carrying 1.665 kg of charas and on his disclosure statement, one, Manish was apprehended. Despite the interrogation of Manish aforesaid, no recovery was effected from him and in the light of disclosure statement made by Manish, the present petitioner has been nominated on the basis of stay entries in the CDR.*

5. *In view of the aforesaid, it is desirable that the petitioner should join investigation first. Accordingly, 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.*

6. *Adjourned to 22.02.2024.’*

4. Learned State counsel on instructions from ASI Tufan 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 05.02.2024 passed by this Court, interim bail granted vide order dated 05.02.2024 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.

22.02.2024
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(SANJIV BERRY)
JUDGE

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