

228 CRM-M-50912-2024

2024:PHHC:153197



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50912-2024
Date of decision: 21.11.2024

Gyan SinghPetitioner.

Versus

State of Haryana ...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Inderpreet Singh Kooner, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of the
Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks
anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
193	02.08.2024	18 (29 added lateron) of the NDPS Act	Panipat City, District Panipat

2. Learned counsel for the petitioner submits that in
compliance to the order dated 04.11.2024, the petitioner has joined the
investigation.

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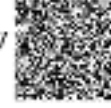
3. During the course of hearing on 04.11.2024, following order has been passed: -

'Status report dated 24.10.2024, filed in the form of affidavit of Deputy Superintendent of Police, City Panipat, on behalf of State-respondent, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. *Heard.*

3. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent but has been falsely implicated in this case on the basis of alleged disclosure statement made by the co-accused. He contends that the recovery of contraband was effected from one Shishu Pal, with whom the petitioner is not having any concern and on the disclosure statement made by the said Shishu Pal, one Ravi Kumar was nominated and arrested in this case but no recovery was effected from him. He contends that the police got another disclosure statement of said Ravi Kumar, leading to nomination of Vinod Kumar, who was subsequently arrested, but still no recovery was effected from him and now on the basis of alleged disclosure statement of Vinod Kumar dated 03.08.2024 (Annexure R-3), the petitioner is allegedly nominated in this case. He contends that the petitioner is not having any criminal antecedents nor he has any concern with the alleged transaction but has been falsely nominated in this case.*

4. *Learned State counsel, on instructions from ASI Ashok Kumar, who is the Investigating Officer of the case, has not disputed the factual matrix of the case qua the aforesaid disclosure statements and no recoveries being effected from the said nominated accused, namely Ravi Kumar and Vinod Kumar. He has also not disputed the fact that the petitioner is not having any criminal antecedents and Investigating Officer, present in Court, has also referred to the call details report (Annexure R-4) but it has been pointed*



out by learned counsel for the petitioner that the petitioner happens to be the maternal cousin of the said Vinod Kumar and there is no impediment for calling him on mobile phone.

5. Keeping in view the aforesaid facts and circumstances, without commenting on the merits of the case, the petitioner is 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS).

6. List on 21.11.2024.'

4. Learned State counsel on instructions received from ASI Ashok Kumar, 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 04.11.2024 passed by this Court, interim bail granted vide order dated 04.11.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bharatiya 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

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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 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 it is further made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

21.11.2024
preeti

(SANJIV BERRY)
JUDGE

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