

229 CRM-M-50948-2024

2024.PHHC.153169



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-50948-2024
Date of decision: 21.11.2024

Keshav AroraPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Mohan Singh Chauhan, 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 Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks anticipatory bail in case FIR (Annexure P-1/T) as under: -

FIR No.	Dated	Sections	Police Station
370	02.09.2024	21 and 29 of the NDPS Act	Ambala Cantt, District Ambala, Haryana

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, Ambala, 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 has been nominated in this case without any basis by the police and in fact as per the allegations 10gm 52mg heroin was recovered from the possession of one Jaswant Singh @ Puppy with whom the petitioner was not having any concern but has allegedly made disclosure statement naming the present petitioner as supplier. He contends that the petitioner is not having any other criminal antecedents nor he has any concern with the aforesaid transaction. Hence, the instant petition seeking concession of bail.*

4. *Learned State counsel, on instructions received from S.I. Naushad Khan, who is the Investigating Officer of the case, has not disputed the factual matrix of the case and has submitted that except for the disclosure statement (supra), there is nothing to connect the petitioner with the said recovery.*

5. *In the aforesaid facts and circumstances, without commenting on the merits of the case, 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*

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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.'*

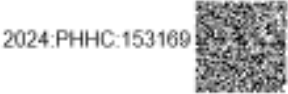
4. Learned State counsel, on instructions received from SI Naushad Khan, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

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 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 made clear that in case the petitioner is found involved in any case under the NDPS Act, after his release on bail, it

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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		(SANJIV BERRY)
preeti		JUDGE
i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No