

2024:PHHC:155645



CRM-M-51332-2024
Date of decision: 25.11.2024

....Petitioner.

....Respondent.

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SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
137	03.06.2022	15-C and 29 of the NDPS Act	Shahkot District Jalandhar

2. Learned counsel for the petitioner submits that in compliance to the order dated 05.11.2024, the petitioner has joined the investigation.

3. During the course of hearing on 05.11.2024, following order has been passed: -

'Status report dated 01.11.2024 in the form of an affidavit of Deputy Superintendent of Police, Sub

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Division Shahkot, Jalandhar (Rural) has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. From the perusal of the record and the submissions made by learned counsel for the petitioner and learned State counsel on instructions from ASI Sulinder Singh, Investigating Officer of the case, it transpires that the petitioner was not named in the FIR but has been nominated on the alleged disclosure statement of co-accused Samma Singh from whom the recovery of 100 kg of poppy husk was allegedly effected. On inquiry, ASI Sulinder Singh after perusing the record submits that there is no other criminal case registered against the petitioner and there is nothing apart from the disclosure statement to connect him with the alleged recovery.

3. Be it the case. Without commenting on the merits of the case, the petitioner is directed to join the 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 BNSS, 2023.

4. List on 25.11.2024.

5. Investigating Officer of the case to remain present in Court on that date.'

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

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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 05.11.2024 passed by this Court, interim bail granted vide order dated 05.11.2024 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 anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

25.11.2024
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(SANJIV BERRY)
JUDGE

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