

230-CRM-M-59467-2024

2024.PHHC.165439



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59467-2024
Date of decision: 11.12.2024

SunnyPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. H.P.S. Rakhra, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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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 seek
anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
125	24.06.2024	21 of the NDPS Act (29 of the NDPS Act added lateron)	Ajnala, Amritsar Rural

2. Learned counsel for the petitioner submits that in
compliance to the order dated 28.11.2024, the petitioner has joined the
investigation.

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3. During the course of hearing on 28.11.2024, following order has been passed: -

'Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has no concern whatsoever with the alleged transaction, whereby co-accused Hira Singh @ Dholi was arrehtended by the Police with 20 grams of heroin. He contends that even earlier, the petitioner was involved in FIR No.93 dated 14.05.2023 registered at Police Station Ajnala i.e. the same police station on similar facts and in that FIR also, no recovery was effected from the petitioner despite his arrest therein. He refers to order dated 03.07.2023 (Annexure P-2) to submit that the petitioner has been granted bail in the aforesaid FIR No.93 (supra). He submits that the petitioner has never indulged in any transaction involving narcotics and psychotropic substances at any stage but the police is unnecessarily harassing him by impleading him in one case or the other without there being any substance. He thus prays for grant of anticipatory bail to the petitioner.

3. *Notice of motion.*

4. *On the asking of the Court, Ms. Seena Sandhu, Addl. A.G. Punjab present in Court, accepts notice on behalf of the respondent-State and on instructions from ASI Beas Dev Singh prays for time to file reply in the matter.*

5. *Adjourned to 11.12.2024.*

6. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

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7. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall 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) BNSS.'

4. Learned State counsel on instructions received from ASI Byas Dev, 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 28.11.2024 passed by this Court, interim bail granted vide order dated 28.11.2024 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.

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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.

11.12.2024
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(SANJIV BERRY)
JUDGE

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