

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-62667-2023 (O&M)
Date of decision: 26.02.2024

PAWAN

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

SANJIV BERRY. J. (Oral)

1. Status report dated 08.02.2024 filed by Deputy Superintendent of Police, Hodal is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Same is perused.
3. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
543	08.10.2023	20(b)(II) C of the NDPS Act	Hodal, District Palwal

4. Learned counsel for the petitioner has submitted that in compliance to the order dated 13.12.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
5. Learned State counsel, on instructions from ASI Rajbir has intimated that the petitioner has joined investigation and is no more required for any

custodial investigation in this case nor he is required for further investigation.

6. Heard.

7. During the course of hearing on 13.12.2023, the following order was passed:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.543 dated 08.10.2023, under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Hodal, District Palwal.

Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that the FIR was registered on secret information by naming coaccused Tejvir and the petitioner. As per the allegations in the FIR, on receipt of secret information, a blockade was set up and after some time, two young boys were seen coming on a motorcycle carrying plastic bags, who on noticing the blockade laid by the police party tried to flee away from the spot. The person driving the motorcycle was apprehended at the spot whereas the petitioner riding pillion took advantage of the darkness and managed to escape from the spot. The name of the petitioner cropped in the disclosure made by the co-accused apprehended at the spot and other than the same, there is no material on record to connect the petitioner with the commission of offence. The petitioner is not involved in any other criminal case and as such he has clean antecedents. The petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion, returnable for 14.02.2024.

Ms. Ambika Sood, Addl. A.G. Haryana, accepts notice on behalf of the respondent-State and waives service. She prays for time to file reply/status report.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

8. 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 13.12.2023 passed by this Court, interim bail granted vide order dated 13.12.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as

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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.

9. The petition stands allowed.

(SANJIV BERRY)
JUDGE

26.02.2024
S.Sharma(syr)

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/ No