IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-65008-2023
Date of decision: 20.03.2024

MANOJ KUMAR

….PETITIONER

VERSUS

STATE OF HARYANA ....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ashish Tewatia, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Section	Police Station
266	08.04.2023	20 (b) (ii) (C) of the NDPS Act	Camp, District Palwal

2. Learned counsel for the petitioner submits that in compliance to the order dated 09.01.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 09.01.2024.

3. Learned State counsel, on instructions from SI Vijay Pal intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

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4. During the course of hearing on 09.01.2024, following order was passsed:

> *"Status report dated 08.01.2024 filed in the form of an affidavit of Additional Superintendent of Police, District Palwal 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 and has no concern whatsoever with the present transaction but has been nominated on the basis of alleged disclosure statement made by accused Kamla, who was apprehended at the spot by the Police and a recovery of 26 kg and 100 grams of ganja was effected from her. He submits that the petitioner is not facing any other case under the NDPS Act.*
>
> *4. Learned State counsel has not disputed the factual matrix and has stated that the petitioner has been nominated on the basis of disclosure statement of accused Kamla, apprehended at the spot. He has admitted that there is no other criminal case registered against the petitioner.*
>
> *5. List on 30.01.2024.*
>
> *6. 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 438(2) Cr.P.C."*

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order

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dated 09.01.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. 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.

(SANJIV BERRY)
JUDGE

20.03.2024
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i) Whether speaking/reasoned? Yes/No
ii) Whether reportable? Yes/No

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