

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-65520-2023

Date of decision: 22.08.2024

BAHOR SINGH @ SONU

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

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
353	15.11.2023	21 and 29 of NDPS Act.	STF, STF Wing, Mohali.

2. Learned counsel for the petitioner submits that in compliance to the order dated 13.02.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 13.02.2024.

3. Mr. Arun Sharma, Deputy Superintendent of Police, Special Task Force, Border Range, District Amritsar, has put in appearance and submits that the challan has already been presented in the Court, learned State counsel, on instructions received from SI Kulbir Singh, Investigating Officer of the case submits that the petitioner has already joined the



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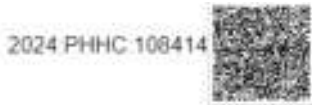
investigation and challan has already been presented in the trial Court, as such, he is not required for further investigation in this case at this stage.

4. During the course of hearing on 13.02.2024, following order was passed:

“ 3. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the alleged disclosure statement made by Karaj Singh who happens to be the brother of the petitioner. He submits that, in fact, the police has apprehended one Kuldeep Singh and recovery of contraband was effected from him and he had nominated Karaj Singh, from whom also some recovery of contraband had been effected. During interrogation, Karaj Singh nominated the petitioner in the disclosure statement. He submits that the petitioner is not involved in any other case of NDPS Act and is ready to join the investigation.

4. Per contra, learned State counsel, by referring to the reply, has not disputed the factual matrix that the petitioner has been nominated on the disclosure statement of Karaj Singh and has referred to the call details between Karaj Singh and the present petitioner prior to the date of registration of FIR. However, he has not disputed the fact that the petitioner is brother of said Karaj Singh and there is no other case under NDPS Act registered against the petitioner.

5. In these circumstances, 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 438(2) Cr.P.C.



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6. *List on 01.03.2024.”*

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 13.02.2024 passed by this Court, interim bail granted vide order dated 13.02.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. 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

22.08.2024
kanika

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