



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

CRM-M-45791-2024
Date of decision: 09.01.2025

DEVENDER @ KALA

....PETITIONER

Versus

STATE OF HARYANA

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of BNSS, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
348	27.07.2024	21 (b), 27-A of NDPS Act, 1985.	City Fatehabad, District Fatehabad.

2. Mr. Jaipal Singh, Deputy Superintendent of Police, HQ, Fatehabad, District Fatehabad, has appeared and furnished additional status report by way of his affidavit dated 08.01.2025. The same is taken on record.

3. Learned counsel for the petitioner submits that in compliance to the order dated 21.11.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 21.11.2024.

4. Learned State counsel, on instructions from the concerned Deputy Superintendent of Police, intimates the Court that the petitioner



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has joined investigation and is neither required for further investigation nor for any custodial interrogation as is also mentioned in the Additional status report.

5. During the course of hearing on 21.11.2024 , following order was passed:

“ Heard.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case on the basis of alleged disclosure statement made by co-accused Pawan Kumar, who was apprehended by the Police along with 2.620 kg of opium. He contends that apart from the disclosure statement, there is nothing on record to connect the petitioner with alleged recovery nor the petitioner has any concern with the said contraband. He has specifically contended that the co-accused was arrested on 27.07.2024 and the petitioner had met the Investigating Officer in the police station on the same day as is evident from the photographs (Annexure P-4), regarding which the State has not replied. He contends that the petitioner has been falsely implicated in this case without any justifiable reason.

Learned State counsel on instructions from ASI Balwinder Singh has not disputed the fact that apart from the disclosure statement made by co-accused Pawan Kumar (Annexure R-1), there is nothing substantive on record connecting the petitioner with the alleged recovery. It is also not disputed that in the status report submitted by the State on 26.09.2024, nothing has been mentioned qua the ground raised in Para 4 Sub-Para (vii) of the petition and also the photographs (Annexure P-4) showing



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the presence of the petitioner outside the police station on the relevant date.

In view thereof, the concerned Deputy Superintendent of Police, who had furnished the affidavit and is stated to be still posted, is directed to remain present in Court along with his explanation and additional status report, if any.

List on 09.01.2025.

In the meanwhile, without commenting on the merits of the case, 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. ”

6. 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 21.11.2024 passed by this Court, interim bail granted vide order dated 21.11.2024 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.

7. The petition stands allowed.

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8. 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

09.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |