

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-16001-2020
Decided on : 29.09.2020

Sanjay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. L.S. Sekhon, Advocate, for the petitioner.

Ms. Apoorv Garg, DAG, Haryana.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.100 dated 06.03.2020 registered under Sections 22(C), 15-B, 27-A of NDPS Act, 1985 at Police Station City Tohana District Fatehabad.

Learned counsel for the petitioner states that pursuant to order dated 22.06.2020, passed by this Court, the petitioner has joined the investigation. This fact is not disputed by the counsel for the State as well.

Learned State counsel on instructions from ASI Surender, states that the petitioner who has joined the investigation, was arrayed as an accused only on the basis of disclosure statement of co-accused from whom the alleged recovery of contraband was effected. He has conceded on instructions that no recovery was effected from the petitioner.

Admittedly, disclosure statement on the basis of which the petitioner was nominated as an accused is a weak piece of evidence. Hence, in the aforementioned circumstances, the petition is allowed and interim order dated 22.06.2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. However, anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)
JUDGE**

29.09.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No