

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7800-2020 (O&M)
Date of Decision:-7.9.2021

Manish Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S. Mamli, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by ASI Sunderpal.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0544 dated 31.10.2019 at Police Station City Fatehabad, District Fatehabad under Section 21(c) NDPS Act.
2. The allegations in nut-shell, as per FIR are that on 31.10.2019 when the police party was patrolling near Hans Market, Fatehabad near Jiwan Hospital, co-accused Kulwant Kumar was intercepted on the basis of suspicion while he was riding a scooter. His search yielded recovery of 253 grams of 'heroin' apart from cash amount of Rs.1 lac. It is further the case of prosecution that during the course of interrogation said Kulwant Kumar

disclosed that he had purchased the contraband with the assistance of present petitioner Mange Ram from an unknown person in Delhi.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and has been nominated on the basis of a disclosure statement made by Kulwant Singh, wherein he stated that he had purchased the contraband from one Mange Ram and through an unknown person in Delhi. It has further been submitted that subsequently the prosecution claims that during the course of interrogation of aforesaid Mange Ram, he disclosed the name of petitioner Manish Kumar. It has been submitted that such like disclosure statements would not carry any evidentiary value and, as such, the petitioner deserves the concession of anticipatory bail.
4. Opposing the petition, learned State counsel has submitted that since the co-accused has specifically named the petitioner, no case for grant of bail is made out particularly when he stands involved in one more identical case. It has, however, been informed that pursuant to interim directions, the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was never arrested at the spot and has been nominated as an accused on the basis of a disclosure statement made by Mange Ram, who himself was nominated on the basis of disclosure statement of Kulwant Singh, the admissibility and veracity of which would be debatable and while also noticing that the petitioner has since joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 24.2.2020 are hereby made absolute, subject to the condition that the

petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

7.9.2021
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No