

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-36598-2020  
Date of Decision : 17.02.2021

Hasmet Ali ...Petitioner

Versus

State of Punjab ....Respondent

**Coram : Hon'ble Mr. Justice B.S. Walia**

**Present :** Mr. Rakesh Kumar, Advocate for the petitioner.  
Mr. Bhupender Beniwal, AAG, Punjab.

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**B.S. Walia, J. (Oral)**

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.164 dated 19.05.2020 registered under Sections 21/29 and 61 NDPS Act, 1985 at Police Station City Kapurthala, District Kapurthala.

2. Learned counsel for the petitioner contends that pursuant to the order of this Court dated 12.01.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

3. Learned AAG Punjab, confirms that pursuant to the order of this Court dated 12.01.2021, the petitioner joined investigation, cooperated in the investigation, was released on ad-interim pre-arrest bail and his custodial interrogation is not required. He, however, states that there are four cases registered against the petitioner under IPC while one case stands registered against the petitioner under the NDPS Act.

Hon'ble the Supreme Court in ***Prabhakar Tewari v. State of UP and another, 2020 (1) RCR (Crl.) 831*** to contend that the offence alleged to have been committed is no doubt grave and serious and there are several criminal cases against the accused but these factors by themselves cannot be the basis for refusal of prayer for bail since mere disclosure statement in the absence of other material is no ground to deny bail to the petitioner in view of the decision of Hon'ble the Supreme Court in '***Haricharan Kurmi versus State of Bihar***', 1964 AIR (SC) 1184. Learned counsel for the petitioner further states that the petitioner has been acquitted in all the cases registered under IPC.

5. In view of the position noted above as well as the decisions of Hon'ble Supreme Court in ***Haricharan Kurmi's case (Supra)*** and ***Prabhakar Tewari's case (Supra)***, order dated 12.01.2021 passed by this Court, is made absolute. The petition under Section 438 Cr.P.C. is allowed. However, nothing stated hereinabove would be taken to be an expression of opinion qua the merits of the case. It is also made clear that in case the petitioner is involved in any other case under the NDPS Act during the period he is on bail in the instant case, the prosecution would be at liberty to seek cancellation of bail granted to the petitioner. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

(B.S. Walia)  
Judge

**March 05, 2021**

'Rajneesh/Amit'

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|----------------------------|---|--------|
| Whether speaking/ reasoned | : | Yes/No |
| Whether reportable         | : | Yes/No |