

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

CRM-M-39739-2020
Decided on : 10.03.2021

Vikas Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Virender Soni, Advocate
for the petitioner.

Mr. Rajiv Sidhu, 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 petitioners in case FIR No.284 dated 01.11.2020 under Section 21 of NDPS Act, 1985 registered at Police Station Sector 14, Panchkula.

Learned counsel for the petitioner states that pursuant to order dated 01.12.2020, 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 Bijender Singh states that though the petitioner has joined the investigation, however, his custodial interrogation is required to ascertain from whom the contraband was allegedly procured by him.

Learned State counsel has miserably failed to satisfy this Court as to why the custodial interrogation of the petitioner would be required, more so, since he was nominated as an accused on the basis of disclosure statement of co-accused Pawan @ Pamma from whom the alleged recovery

of 8.90 grams of heroin (non-commercial quantity) was effected. It need not be emphasised that the evidentiary value of disclosure statement as the one made by the co-accused is admittedly of weak nature.

In view of the above, the petition is allowed and interim order dated 01.12.2020, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

10.03.2021
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(MANJARI NEHRU KAUL)
JUDGE

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