

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-2504-2023

Date of decision: 28.03.2023

Sunil Malik

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Divya Narula, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.84 dated 12.07.2020 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station STF Mohali, SAS Nagar.

Vide order dated 17.01.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner inter alia contends that pursuant to secret information received by the police, co-accused Sanjay Nagpal @ Rippu and Dheeraj Kumar @ Dheeru were apprehended along with 580 grams heroin. Learned counsel submits that it was only pursuant to the disclosure statements made by both of these two accused, the name of the petitioner was nominated as an accused and the role attributed to the petitioner was that he used to procure the contraband from Rahul of Delhi and then sell the same to the co-accused. Learned counsel further submits that the petitioner has clean antecedents and is not involved in any other case much less of similar nature. Learned counsel still further submits that the

evidentiary value of such disclosure statement is of weak nature and the petitioner is ready to join investigation and cooperate with the investigating agency.”

Learned counsel for the petitioner submits that in compliance of order dated 17.01.2023, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

In view of the above, the petition is allowed and interim order dated 17.01.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail.

28.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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