

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.3230 of 2023
Date of decision: 12th April, 2023

Amrit
... Petitioner
Versus
State of Haryana
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. C.S. Rawat, Advocate for the petitioner.
Mr. Chetan Sharma, Assistant Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.1174 dated 14.12.2022 for the offences under Sections 21-B, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Camp Palwal, District Palwal.

Vide order dated 20.01.2023, the petitioner had been granted concession of interim bail in the following terms:-

“Learned counsel inter alia submits that pursuant to the secret information received, in which the petitioner was not named, the police apprehended the co-accused Vikas with 6.8 grams of Smack (non-commercial quantity). It was only during the disclosure statement made by the co-accused Vikas, the name of the present petitioner was nominated as an accused in the case in question. Learned counsel submits that it was a matter of record that just a few days prior to the alleged recovery, a quarrel had taken

place between the petitioner and the co-accused Vikas and it was precisely for this reason that the petitioner was nominated as an accused in the disclosure statement by the co-accused Vikas in order to wreak vengeance on the petitioner. He further submits that the petitioner has clean antecedents and is not involved in any other criminal case, much less under the NDPS Act. It has also been submitted that the co-accused has since been extended the concession of regular bail by the trial Court.”

Learned counsel for the petitioner submits that in compliance of the order dated 20.01.2023, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from SHO Camp. Palwal, 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 the circumstances, the petition is allowed and the interim order dated 20.01.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

April 12, 2023
rps

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