

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-4738-2023

Date of decision: 03.07.2023

Akash

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Hundal, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.646 dated 16.12.2022 under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City, Mandi Dabwali, District Sirsa.

2. Vide order dated 31.01.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Counsel for the petitioner inter alia contends that the petitioner is a young boy and has been falsely named in the present case alleging that he escaped from the spot while co-accused Vishal was apprehended along with 40 kg 200 grams of poppy husk. He further submits that the story putforth by the prosecution, appears to be highly improbable and further, the identity of the escaped person would be established only during the trial and that the petitioner who is having no criminal history, is ready to join the investigation with the police.”

3. Learned counsel for the petitioner submits that in

compliance of order dated 31.01.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Sunil, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency.

5. On a pointed query put to the learned State counsel, he on instructions submits that the petitioner is not involved in any other criminal case much less in a case under the NDPS Act.

6. Learned State counsel on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

7. In view of the above, the petition is allowed and interim order dated 31.01.2023, 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 same.

03.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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