

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-8749-2023

Date of decision: 28.04.2023

Sunil Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagbir Singh, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., 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.56 dated 20.01.2021 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron) registered at Police Station City Yamunanagar, District Yamunanagar.

2. Vide order dated 17.02.2023, 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 while drawing the attention of this Court to the FIR which stands reproduced in the body of the petition submits that a perusal of the same reveals that a secret information was received only qua co-accused Lucky Arora, from whom alleged recovery of total 2508 capsules (1608 capsules of Spas Parvion Plus and 900 capsules Parvion Spas) was effected. It was subsequently during the interrogation of co-accused Lucky Arora, he suffered a disclosure statement wherein he nominated one “Pandit” as an accused. Learned counsel submits that the name of the petitioner is Sunil Kumar and

he is not even referred to as “Pandit”. He further submits that the false implication of the petitioner in the FIR in question stands further fortified from the fact that he is not involved in any other criminal case much less under the NDPS Act.”

3. Learned counsel for the petitioner submits that in compliance of order dated 17.02.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She has also not disputed that the petitioner was neither named in the secret information received nor was he involved in any other criminal case much less under the NDPS Act. She, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 17.02.2023, 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.

28.04.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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