

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-10866-2023

Date of decision: 09.10.2023

Kaleem Ahmad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. I.S. Kooner, Advocate
for the petitioner.

Mr. Karan Jindal, AAG, 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.444 dated 29.12.2022 under Sections 20 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 Sadar Rohtak, District Rohtak.

2. On 02.03.2023, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case as the he has been involved in the FIR on the basis of disclosure statement of the co-accused namely Naim, from whose possession 01 kilo 400 grams of Charas has been recovered and who is under police custody. He further contends that no recovery is to be effected from the present petitioner and he is ready to join the investigation.”

3. Learned counsel for the petitioner submits that in compliance of order dated 02.03.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, has not disputed that the petitioner was nominated as an accused on the basis of an alleged disclosure statement suffered by co-accused Naim from whom the recovered contraband was allegedly effected. It has also not been disputed that as on date, there is no other criminal case much less under the NDPS Act pending against the petitioner. Learned State counsel, on further instructions, has informed the Court 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 02.03.2023, 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.

09.10.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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