

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

201

2023:PHHC:090649

CRM-M-15009-2023

Date of decision: July 19th, 2023

Aatam

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pardeep Panwar, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

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.21 dated 10.01.2023 under Sections 20-61-85 of Narcotics Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Ballabgarh, District Faridabad.

Vide order dated 24.03.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“It has been contended by counsel for the petitioner that neither petitioner is named in the FIR nor any recovery has been made from him. He submits that from co-accused Ranbir @ Ranee there was recovery of 1.496 ganja and on the disclosure statement of co-accused, the petitioner was named in the FIR. He submits that disclosure statement itself is not an admissible evidence. He further submits that petitioner has no criminal antecedents and the alleged recovery

also falls in the category of noncommercial quantity and thus, provisions of Section 37 of the NDPS Act are also not attracted. It is further submitted that in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.”

Learned counsel for the petitioner submits that in compliance of order dated 24.03.2023, 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. Learned counsel 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 24.03.2023 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.

July 19th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether reportable : Yes

Whether speaking/reasoned : No