

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-16266-2023

Date of decision: 24.05.2023

Rahul alias Abhishek

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amandeep Sharma, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

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.144 dated 12.07.2022 under Sections 21 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Ajnala, Amritsar Rural, District Amritsar.

2. Vide order dated 29.03.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel inter alia contends that it was a case of chance recovery wherein 02 grams of heroin was recovered from accused Amandeep Singh @ Bony and another 01 gram from co-accused Monu. Learned counsel submits that subsequently in disclosure statement allegedly made by the two apprehended accused the petitioner came to be nominated as an accused. Learned counsel submits that the petitioner is innocent and has been falsely implicated in the case in hand on the basis of the alleged disclosure statement whose evidentiary value is very weak in the eyes of law.

On a pointed query put to the learned counsel as to whether the petitioner was involved in any other case

under the NDPS Act, he has replied in the negative.”

3. Learned counsel for the petitioner submits that in compliance of order dated 29.03.2023, 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. He, 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 29.03.2023, 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.

24.05.2023
Vinay

(MANJARI NEHRU KAUL)
JUDGE

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