

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

205

CRM-M-16331-2023

Date of decision: 23.08.2023

Kamal

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Vibhor Bansal Advocate  
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

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**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.87 dated 07.03.2023 under Sections 18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Chandimandir, District Panchkula.

2. On 31.03.2023, 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 inter alia submits that the quantity as alleged would fall within non-commercial category. He further submits that there is no other case of similar nature, pending against the petitioner. More than that, learned counsel for petitioner submits that the identity of the land is yet to be ascertained by the investigating agency.”*

3. Learned counsel for the petitioner submits that in compliance of order dated 31.03.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Satyavir, does not dispute the factum of the petitioner having joined investigation. However, he on further instructions, submits that the petitioner has not fully cooperated with the investigating agency as he had failed to disclose the source from where he had procured the opium seeds which in turn were planted on his land.

5. On a pointed query put to the learned State counsel as to whether the petitioner was involved in any other criminal case particularly under the NDPS Act, he has, on instructions, replied in the negative.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. In view of the above, the petition is allowed and interim order dated 31.03.2023, 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.

23.08.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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