

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

CRM-M No.17578 of 2023
Date of decision: 3rd August, 2023

Rahul

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanpreet Sandhu, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.105 dated 17.03.2023 under Section 21-B, 29 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Bilaspur, District Yamuna Nagar.

2. On the last date of hearing, i.e. 19.04.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“2. Briefly, as per the allegations the case has been registered in pursuance of the recovery of 26.52 gms of smack from the possession of Arun Kumar @ Sonu, co-accused.

3. Learned counsel for the petitioner contends that at the first instance in pursuance of the disclosure statement of Arun Kumar @ Sonu, co-accused recorded on

17.03.2023, Mamta was nominated as an accused. Thereafter on 18.03.2023, Arun Kumar @ Sonu, co-accused made another disclosure statement wherein he has nominated the petitioner as an accused alleging that the car used in the commission of crime and the contraband was procured from him. The petitioner is not the owner of the said car.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 19.04.2023, 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 the circumstances, the petition is allowed and the interim order dated 19.04.2023 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.

(MANJARI NEHRU KAUL)
JUDGE

August 3, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No