

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

208-2

CRM-M-18801-2023

Date of decision: 24.05.2023

Rohit @ Mohit

.....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.

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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.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 18.04.2023, 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 for the petitioner submits that the alleged recovery of 2 grams and 01 gram of heroin was effected from co-accused Amandeep Singh @ Bony and co-accused Monu respectively. Thereafter, on the basis of a disclosure statement allegedly made by both the co-accused, the petitioner came to be nominated as an accused. Learned counsel submits that evidentiary value of such disclosure statement is of weak nature and he still further submits that the false implication of the petitioner in the crime in question wherein co-accused stated that they had procured the alleged contraband from him, is evident from the fact that he is not involved in any other criminal case much less under the NDPS Act.”*

3. Learned counsel for the petitioner submits that in compliance of order dated 18.04.2023, 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 view of the above, the petition is allowed and interim order dated 18.04.2023, 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 |