

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

205

2023:PHHC:119249

CRM-M-24739-2023

Date of decision: September 12th, 2023

Shahrukh Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pankaj Kaushik, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in the present petition filed under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in FIR No.78 dated 24.02.2023 registered under Sections 18 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Ladwa, District Kurukshetra.

2. Learned counsel appearing for the petitioner submits that in compliance of order dated 16.05.2023, the petitioner has joined investigation and cooperated with the investigating agency.

3. Learned State counsel, on instructions from ASI Gurdev Singh, has not disputed the submissions made by the counsel opposite but the prayer for extending the concession of anticipatory bail to the petitioner has been vehemently opposed by the State counsel, who on instructions, has submitted that no doubt the petitioner was not nabbed at the spot along with the recovered contraband, however, pursuant to the disclosure statement made by the co-accused from whom the alleged recovery was effected, the petitioner

came to be nominated as an accused. She submits that the co-accused, from whom the recovery was effected, categorically stated that the contraband had been procured by him from the petitioner. Learned State counsel has submitted that all this has to be appreciated in the light of the involvement of the petitioner in another case under the NDPS Act, wherein also he was nominated as an accused on the basis of a disclosure statement. Learned State counsel, therefore, submits that the custodial interrogation of the petitioner would be required as it is evident that he is actively involved in the supply of narcotic substances to drug addicts as well as drug traffickers.

4. After arguing for sometime, when this Court was not inclined, a prayer was made by the learned counsel for the petitioner for withdrawal of the instant petition by submitting that the petitioner would appear and surrender before the trial Court within one week from today and till then, he be protected. A further prayer has also been made to direct the trial Court to decide his application under Section 439 Cr.P.C., which he would be moving on his appearance and surrender, expeditiously.

5. In view of the prayer made by the learned counsel for the petitioner, the instant petition is dismissed as withdrawn.

6. The petitioner shall appear and surrender before the trial Court within one week from today. Till then, no coercive steps shall be taken against the petitioner. In case the petitioner files an application under Section 439 Cr.P.C., the trial Court shall endeavour to decide it expeditiously, in accordance with the provisions of law. However, it is made clear that in case the petitioner fails to surrender before the Court below within the above stipulated time period, this order shall be of no

avail to him, thereafter.

7. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 12th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No