

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

257

CRM-M-26497-2023

Date of decision: 11.08.2023

Varinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder walia, Advocate
for the petitioner.

Mr. Amit Rana, 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.117 dated 11.04.2023 under Sections 22/23, 25, 27-A, 29, 61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), registered at Police Station City Kharar, SAS Nagar Mohali.

2. On 25.05.2023, 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:-

“It is submitted that the petitioner has been nominated as an accused only on the disclosure of the main accused and being the owner of the car wherein the main accused was found using drugs. The petitioner does not have any criminal antecedents nor any other case under the NDPS Act, 1985 has been registered against him in the past.”

3. Learned counsel for the petitioner submits that in compliance of order dated 25.05.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from SI CS Ranewal, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, also does not dispute that the petitioner was nominated as an accused on the basis of a disclosure statement made by main co-accused from whom recovery of 30 grams of cocaine was effected.

5. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other case under the NDPS Act, he on instructions, has replied in the negative. Learned State counsel, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 25.05.2023, 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.

11.08.2023

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(MANJARI NEHRU KAUL)
JUDGE

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