

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.28045 of 2023  
Date of decision: 22<sup>nd</sup> August, 2023

Manish Gumber

... Petitioner

Versus

State of Haryana

... Respondent

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

Present: Mr. Ramnish Puri, 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.61 dated 21.3.2023 registered under Section 21-B of NDPS Act at Police Station Buria, District Yamuna Nagar.

2. On the last date of hearing, i.e. 31.05.2023, 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.

*“The counsel for the petitioner inter alia contends that the petitioner is having no criminal history under the NDPS Act and has been falsely nominated in the present case on the basis of alleged disclosure statement suffered by co-accused Sachin, who was apprehended by the police along with 11.17 grams of heroin on 21.3.2023. The counsel for the petitioner further submits that the veracity*

*and admissibility of the alleged disclosure statement made by the co-accused against the petitioner will be tested during trial and further the embargo provided under Section 37 of NPDS Act is not attracted to the present case as recovery of 11.17 grams of Herion comes under non-commercial quantity. The counsel for the petitioner submits that the petitioner is ready to join investigation with the police.”*

3. Learned counsel for the petitioner submits that in compliance of the order dated 31.05.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from SI Satish, 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 31.05.2023 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 22, 2023

rps

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No