

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

210

2023:PHHC:145665

CRM-M-31127-2023

Date of decision: November 16th, 2023

Balkar Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Trishanjali Sharma, Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.107 dated 07.05.2023 under Sections 18 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Tohana, District Fatehabad.

2. Vide order dated 12.07.2023, 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 State counsel on instructions does not dispute that it was a case of chance recovery and recovery of 225 grams of opium (non-commercial quantity) was effected from co-accused Ranjit Singh. It has also not been disputed by the learned State counsel that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Ranjit Singh.”

3. Learned counsel for the petitioner submits that in compliance of order dated 12.07.2023, the petitioner has joined

investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Mahender Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. It has also not been disputed that the petitioner was nominated on the basis of a disclosure statement allegedly suffered by co-accused from whom a recovery of 225 grams of opium was effected. She 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 12.07.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. 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 same.

November 16th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No