

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-31632-2023

Date of decision: 11.10.2023

Vijay Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

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.225 dated 17.06.2023 for the offences under Section 21(b), 61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Narwana, District Jind (Annexure P-1).

2. On 05.07.2023, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel inter alia contends that the petitioner was not apprehended at the spot with the alleged recovery of 52 grams of Heroin and in fact was nominated as an accused only pursuant to the disclosure statement made by co-accused Sharmila, from whom the alleged recovery was effected. Learned counsel submits that the evidentiary value of such a statement is of a weak nature and all this has to be appreciated in the light of no criminal case pending against the petitioner, much less under the NDPS Act.”

3. Learned counsel for the petitioner submits that in compliance of order dated 05.07.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Pawan, 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 05.07.2023, 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.

11.10.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No