

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

**CRM-M-34805-2023
Date of decision: 06.11.2023**

Manish KumarPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navneet Singh, 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.203 dated 23.05.2023 under Sections 21 NDPS Act (Sections 29/61/85 of NDPS Act added later on) registered at Police Station Ladwa, District Kurukshetra.
2. On the last date of hearing/on 20.07.2023, 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/her/them to join investigation:-

“Learned counsel for the petitioner submits that the recovery of 08 grams of heroin was effected from co-accused Deepak Kumar pursuant to a secret information. After co-accused Deepak Kumar was nabbed by the police, he suffered a disclosure statement wherein he stated that the contraband had been purchased from co-accused Suraj. Learned counsel submits that thereafter co-accused Suraj made another disclosure statement wherein he stated that he in turn had

purchased 16 grams of heroin from the petitioner. Learned counsel further submits that firstly the disclosure statement on the basis of which he has been nominated as an accused in the case in hand does not have much evidentiary value and secondly, the petitioner not being involved in any other criminal case much less under the NDPS Act lends credence to his false implication.”

3. Learned counsel for the petitioner submits that in compliance of order dated 20.07.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, further submits that the petitioner is not required for further investigation much less for his custodial interrogation. Learned State counsel has not disputed the submissions made by the counsel opposite qua he not being involved in any other criminal case, much less under NDPS Act.

5. In view of the above, the petition is allowed and interim order dated 20.07.2023 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.

06.11.2023
manoj

(MANJARI NEHRU KAUL)
JUDGE

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