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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38860-2023 (O&M)

Date of decision: November 15, 2023

Balkar Sidhu

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**Present:-** Mr. Mikhail Kad, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C., in case FIR No.73 dated 20.07.2023, under Sections 22 and 29 of the NDPS Act, registered at Police Station Sadar, Ahmedgarh, District Malerkotla.

2. On the last date of hearing, i.e., on 09.08.2023, 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 for the petitioner, inter alia, contends that pursuant to a secret information received, the police party apprehended co-accused Yuvraj Singh @ Rainti from whom recovery of 300 loose intoxicant tablets was effected. Learned counsel submits that neither was any secret information received qua the petitioner nor was he accompanying co-accused Yuvraj Singh at the time of alleged recovery. However, he was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Yuvraj Singh, wherein he stated that the recovered contraband had been procured by him from the petitioner. Learned counsel submits that the petitioner being falsely implicated in the case in hand is evident from the fact that he has clean antecedents and is not involved in any other case much less under the NDPS Act.”

3. Learned counsel for the petitioner submits that in compliance of order dated 09.08.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Narinder Kumar, does not dispute the factum of the petitioner having joined investigation and cooperated with the

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investigating agency. She, 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 09.08.2023, 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.

(MANJARI NEHRU KAUL)
JUDGE

November 15, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No