

Neutral Citation No.2023:PHHC:163315

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-48559 of 2023 (O&M)

Date of decision : 19.12.2023

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Aarif

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Munish Gulati, Advocate for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana

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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. 113 dated 25.6.2023, under Sections 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Uttawar, District Palwal.

2. Vide order dated 3.10.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation, relevant part of which reads as under:-

“Learned counsel for the petitioner inter alia contends that the petitioner was nominated as an accused on the basis of a disclosure statement made by co-accused Soyab, who on

being apprehended by the police stated that the recovered contraband (528 capsules of Tramadol) had been supplied to him by the petitioner. He submits that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. He further submits that the petitioner is ready to join investigation and cooperate with the investigating agency. ”

3. Learned counsel for the petitioner submits that in compliance of order dated 3.10.2023, the petitioner has joined the investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions from ASI Bheem, does not dispute the factum of the petitioner having joined the 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 3.10.2023, 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.

19.12.2023
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(MANJARI NEHRU KAUL)
JUDGE

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