

2023:PHHC:073949

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-59110-2022

Date of Decision: 22.05.2023

SHUBHAM

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Ishita Jain, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. On 19.12.2022, the Coordinate Bench of this Court had passed
the following order:-

“The petitioner seeks grant of anticipatory bail in respect of
a case registered vide FIR No.163, dated 10.7.2022, Police Station
Radaur, District Yamuna Nagar, under Sections 21-B, 61/85 of
Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the case of prosecution, one Pankaj Kumar was
apprehended by the police on 10.7.2022 and 20 grams of ‘smack’
was recovered from him. It is further the case of prosecution that
during interrogation he disclosed that he had procured the same
from Shubham (petitioner).

Learned counsel for the petitioner submits that the petitioner
has been falsely implicated in the present case on the basis of
disclosure statement, which would not carry any evidentiary value.
It has further been submitted that the recovered contraband, in any
case, would fall in the category of ‘non-commercial’ quantity.

Notice of motion for 22.2.2023.

Meanwhile, in the event of arrest, the petitioner be released
on interim bail subject to his furnishing personal bonds and surety
bonds to the satisfaction of Arresting/Investigating Officer.
However, the petitioner shall join the investigation as and when
called upon to do so and cooperate with the Investigating Officer
and shall also abide by the conditions as provided under Section
438 (2) Cr.P.C.”

2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from SI Om Parkash, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.

4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 19.12.2022, vide which the petitioner has been granted interim bail, is made absolute.

5. Petition is allowed.

22.05.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No