

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

207

CRM-M-59600-2022

Date of decision: 13.07.2023

Sheshant Alias Kaku

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Kartar Singh, Advocate for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 20.12.2022, this Court had passed the following order:-

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.532, dated 6.10.2022, Police Station City Fatehabad, District Fatehabad, under Sections 21(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 27-A of NDPS Act was added later on.

As per the case of prosecution, one Rajender @ Babbal @ Babbu was apprehended by the police on the basis of suspicion and upon his search 8.35 grams of ‘heroin’ was recovered, which was kept in a plastic pouch in right pocket of his lower. It is further the case of prosecution that during the course of interrogation, he disclosed that he had purchased the said contraband from Sheshant @ Kaku (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 2.5.2023.

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 submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from HC Amritlal affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 20.12.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

13.07.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No