

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.266 of 2024
Date of decision: 20th February, 2024

Surinder Singh @ Tinka
... Petitioner
Versus
State of Haryana
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.
Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.264 dated 01.12.2023 under Sections 21 (b) and Section 29 added later on of the NDPS Act, 1985, registered at Police Station Farakpur, District Yamuna Nagar.
2. On the last date of hearing, i.e. 08.01.2024, while noticing the following submissions made by 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 a false and fabricated case has been planted upon the petitioner only on the basis of a disclosure statement allegedly suffered by co-accused Kulvinder Singh from whom a recovery of 18 grams of heroin was effected. Learned counsel submits that the disclosure statement, on the basis of which the petitioner is being implicated in the case in hand, is of a weak nature and all this requires to be

appreciated in the light of the petitioner having no criminal antecedents.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 08.01.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined 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. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he on instructions, has replied in the negative. It has also not been disputed that the petitioner’s name surfaced only in a disclosure statement allegedly suffered by co-accused Gurvinder Singh, from whom this recovery was effected.

6. In the circumstances, the petition is allowed and the interim order dated 08.01.2024 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.

(MANJARI NEHRU KAUL)
JUDGE

February 20, 2024
rps

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