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2024:PHHC:024228

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-580-2024

Date of decision:21.02.2024

Rashid Ahmad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sahil Choudhary, Advocate for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail in FIR No. 525 dated 22.10.2023 for the offences under Sections 21B/29 of the NDPS Act registered at Police Station Sadar Yamuna Nagar (Yamuna Nagar).

2. On the last date of hearing, 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 submits that the petitioner has been falsely implicated in the case in hand on the basis of a disclosure statement suffered by co-accused Himanshu, who was named in a disclosure statement and from whom a recovery of 18 grams of heroin effected. It has been further submitted that since the evidentiary value of such disclosure statement is of a weak nature and the petitioner is

not involved in any other criminal case much less under the NDPS Act, he be extended the concession of anticipatory bail as his custodial interrogation would not be required.”

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

4. Learned State counsel 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 does not have any criminal antecedents and 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 08.01.2024 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.

21.02.2024

Divyanshi

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No