

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

CRM-M No.716 of 2024
Date of decision: 15th February, 2024

Sanjay Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Ms. Trishanjali Sharma, 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.133 dated 12.06.2023 under Sections 332, 353, 333, 307, 506, 34 of the Indian Penal Code, 1860 and Sections 21 (b) of NDPS Act (Section 27-A of the NDPS Act and Section 120-B of the IPC added later on) registered at Police Station Radaur, District Yamuna Nagar.

2. On the last date of hearing, i.e. 09.01.2024, 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 the police has come up with a fabricated version on account of its displeasure with the co-accused Anil Kumar, who accidentally hit a Sub Inspector Nar Singh while riding an activa scooter, resulting in the officer sustaining a fracture. Thereafter, a false recovery of 6.4 grams of heroin was planted upon co-accused Anil Kumar. Learned counsel, while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, further submits that in the initial version, it had been alleged that the co-accused was riding the activa scooter while one Rajat alias Shiva was pillion riding, who after the accident, fled away from the spot. However, subsequently a disclosure statement was allegedly suffered by co-accused Anil Kumar, who stated that it was his brother-in-law i.e. the petitioner, who was pillion riding behind him. Learned counsel has further submitted that the entire family of the petitioner has been roped in the present case for reasons but obvious.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 09.01.2024, 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. She, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 09.01.2024 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 15, 2024
rps

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