

2024:PHHC:045723

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

209

CRM-M-1292-2024
Date of Decision : 04.04.2024

AJAY KUMARPetitioner

VERSUS

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Rajiv Sharma, Advocate, for the petitioner.

Mr.Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On 01.02.2024, the following order was passed by this

Court:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.624 dated 30.11.2023, under Sections 22(C)-61-85 of the N.D.P.S. Act, registered at P.S. City Sohna, Gurugram.

2. The learned counsel for the petitioner submits that the only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the disclosure statement of co-accused, which cannot be considered as a legal evidence. Nonetheless, the petitioner is ready to join the investigation, and, to co-operate with the investigating agency.

3. The reply dated 23.01.2024, as filed by the learned State counsel, in pursuance of the order made by this Court on 11.01.2024, lends corroboration to the submission of the learned counsel for the petitioner, inasmuch as, it reveals that except the disclosure statement of co-accused, the investigating agency is not seized of any inculpatory evidence against the present petitioner. Moreover, the reply also reveals that the petitioner is not involved in any other criminal case.

4. In view of what has been discussed above, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

5. List on 04.04.2024.”

2. Learned State counsel, on instructions imparted to him by ASI Anil, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 01.02.2024 is, hereby, made absolute.

April 04, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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