



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

CRM-M No.5003 of 2024
Date of decision: 9th July, 2024

Sunil Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dheeraj K. Narula, Advocate for the petitioner.

Ms. Deepshikha Chauhan, Astt. AG, 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.828 dated 22.09.2022 for the offences under Section 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Azad Nagar, District Hisar.

2. This Court, vide order dated 31.01.2024, had noticed the following submissions made by learned counsel for the petitioner:

“Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the instant case on the basis of a disclosure statement allegedly suffered by co-accused Suresh from whom a recovery of 3.20 kilograms of opium was effected. Learned counsel submits that it is a matter of record that the petitioner has clean antecedents as he has not been



involved in any other criminal case much less under the NDPS Act.”

3. On the last date of hearing, i.e. 01.04.2024, while noticing the following submissions made by learned State counsel, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:

“On being put to notice, learned State counsel on instructions, has not disputed that the petitioner has clean antecedents and is not involved in any other criminal case much less under the NDPS Act. On further instructions, it has also not been disputed that the petitioner came to be nominated as an accused only on the basis of a disclosure statement allegedly suffered by co-accused Suresh, from whom recovery of 3.2 kgs of Opium was allegedly effected.”

4. Learned counsel for the petitioner submits that in compliance of the order dated 01.04.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. 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.

6. In the circumstances, the petition is allowed and the interim order dated 01.04.2024 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

July 9, 2024
rps

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