



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8684 of 2024
Date of decision: 15th May, 2024

Dharminder Singh Cheema

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arshdeep S. Brar, Advocate for the petitioner.
Mr. Navdeep Singh, Dy. Advocate General, Punjab
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.97 dated 14.12.2023 under Sections 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added later on) registered at Police Station Smalsar, District Moga.

2. On the last date of hearing, i.e. 21.02.2024, 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 petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly made by co-accused Sandeep @ Soni from whom a recovery of 200 grams of opium (non-commercial) was allegedly effected. Learned counsel submits that the



petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act which further lends credence to his innocence in the instant case. It has also been submitted that the evidentiary value of the disclosure statement on the basis of which he is arraigned as an accused is very weak.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 21.02.2024, 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. In the circumstances, the petition is allowed and the interim order dated 21.02.2024 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

May 15, 2024
rps

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