



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11446 of 2024
Date of decision: 27th May, 2024

Ashish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sourabh Sheoran, 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.640 dated 09.09.2023 under Section 20 of the NDPS Act, 1985, registered at Police Station City Narnaul, District Mahendergarh.

2. On the last date of hearing, i.e. 04.03.2024, 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 has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. It has been further submitted that co-accused were allegedly apprehended by the police and a recovery of 1.915 kilograms of ganja (non-commercial) was effected from them. Subsequently, co-accused suffered a disclosure



statement, wherein they nominated the petitioner as being one of the suppliers of the recovered contraband. Learned counsel submits that firstly the evidentiary value of such a disclosure statement is of a weak nature and all this requires to be appreciated in the light of the petitioner not being involved in any other NDPS case, which leaves no manner of doubt of petitioner being innocent.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 04.03.2024, 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 04.03.2024 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 27, 2024
rps

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