



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-18167-2024

Date of decision: 25.07.2024

Suresh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunil Goswami, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.105 dated 04.05.2023 under Sections 18(b), 18(c), 61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Sadar Narwana, District Jind.

2. On 15.04.2024, while noticing the following submissions made by the 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 inter alia contends that the petitioner has no criminal antecedents, much less being previously involved in any case under the NDPS Act; recovery of 6 kgs 404 gms Opium was effected from co-accused Rajbir and Dilawar pursuant to a secret information received; during investigation both the arrested co-accused suffered disclosure statements that the recovered contraband had been procured through co-accused Lal Singh and said Lal Singh in turn on being



CRM-M-18167-2024

arrested suffered a disclosure statement that it was the petitioner who had supplied him the contraband. Learned counsel has asserted that the evidentiary value of the disclosure statement allegedly suffered by co-accused is of an extremely weak nature and all this needs to be appreciated in the light of his clean antecedents.”

3. Learned counsel for the petitioner submits that in compliance of order dated 15.04.2024, 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. However, she submits that recovery of mobile handset is yet to be effected.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Once the petitioner has joined investigation, non-recovery of a mobile handset cannot be a ground to decline him the extraordinary concession of anticipatory bail.

7. In view of the above, the petition is allowed and interim order dated 15.04.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

25.07.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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