

2024:PHHC:065108



CRM-18842-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-18842-2024

Date of decision : May 09, 2024

Sumit

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aakash Juneja, Advocate, for the petitioner
Mr. Abhinash Jain, DAG, Haryana

KULDEEP TIWARI, J. (ORAL)

1. On 19.4.2024, this Court passed the following order:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.749 dated 06.10.2023, under Sections 21/ 29/ 61/ 85 of the N.D.P.S. Act, registered at P.S. City Rohtak.

2. The learned counsel for the petitioner submits that neither the name of the petitioner reflects in the FIR, nor any role whatsoever has been assigned to him therein. The only piece of evidence, which constitutes the bedrock for the investigating agency to arrest the petitioner, is the

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disclosure statement of co-accused Sachin, from whom the alleged recovery of 10 grams 36 mg of heroin was effected, and as such, his disclosure statement cannot be taken into consideration. Nonetheless, since the allegedly recovered contraband falls under “intermediate quantity”, therefore, in the absence of any cogent incriminatory material against the petitioner, he deserves the concession of anticipatory bail.

3. Lastly, the learned counsel for the petitioner submits that the petitioner is not involved in any other case under the N.D.P.S Act.

4. Notice of motion for 09.05.2024.

5. Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

6. In the meantime, 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.”

2. Today, the learned State counsel on instructions imparted to him by ASI Sombir, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial



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interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 19.4.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P. C.

May 09, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ?	Yes/No
Whether Reportable ?	Yes/No