

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.25210 of 2023
Date of decision: 18th March, 2024

Ramesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kuldeep Siwach, Advocates for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, 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.172 dated 08.05.2023 under Sections 18(C), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhuna, District Fatehabad.

2. On 05.07.2023, 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 contends that the name of the petitioner surfaced based on the disclosure statement made by the co-accused Manoj Kumar from whom the alleged recovery of 101 grams of opium is effected. Challan stands presented. No recovery has been effected from the petitioner. FSL report has also not been received and there

is no call record also establishing his connection with the co-accused or any other evidence that may link him with the case. The petitioner is involved in one more case under the NDPS Act involving non commercial quantity in which he was granted bail vide order dated 25.03.2021, Annexure P-2. He relies on the judgments passed by Hon'ble The Supreme Court in the case of Tofan Singh vs. State of Tamil Nadu, 2021 (1) RCR (Crl.) 1 and Maulana Mohd. Amir Rashadi vs. State of U.P. and others, 2012(2) SCC 382. Further reliance is placed on the judgment of Hon'ble Supreme Court in Vijay Singh vs. State of Haryana, SLP (Crl.) 1266 /2023 dated 17.05.2023 wherein the petitioner who was involved on the basis of disclosure statement, the recovery being 1.7 kg. of Poppy Straw (Doda Post) and involvement in one more case under the NDPS Act, was granted anticipatory bail, which was dismissed by a coordinate of this Court. In CRM-M-12051-2020 dated 17.06.2020 titled as Mewa Singh vs. State of Punjab, the petitioner was involved in 3 more cases under the NDPS Act, was nominated on the basis of disclosure statement, moreover, the recovery effected in the case was of commercial quantity of contraband was granted anticipatory bail by the coordinate Bench of this Court. In the case of Rajender Singh vs. State of Haryana, CRM-M-17076-2023 dated 11.04.2023, also the petitioner who was implicated based on the disclosure statement, the quantity recovered was non commercial, he was involved in another case wherein non commercial quantity was recovered, a coordinate Bench granted him anticipatory bail. In CRM-M-22428-2022 dated 21.11.2022 titled as Ashok Kumar vs. State of Haryana, the petitioner involved on the basis of disclosure statement was granted anticipatory bail wherein

he was involved in 3 more cases under the NDPS Act in one of which he was convicted. In Khushkaran Singh @ Vicky vs. State of Punjab, CRM-M-11079-2023 dated 02.03.2023, a case of disclosure statement, wherein by relying on the order passed by Hon’ble Supreme Court in Vijay Singh (supra), interim bail was granted. The petitioner is ready and willing to join the investigation as and when required by the investigating agency.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 05.07.2023, 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 05.07.2023 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

March 18, 2024
rps

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