



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-33618-2024

Date of decision: 22.10.2024

Amjad

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rahul Chauhan, 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.115 dated 25.03.2024 under Sections 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron) registered at Police Station Yamunanagar Sadar, District Yamunannagar.

2. On 16.07.2024, 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 for the petitioner inter alia contends that a secret information was received with respect to the involvement of co-accused Saddam in drug trafficking; when co-accused Saddam was apprehended, a recovery of 38 grams of heroin was effected from him. The petitioner was neither alleged to be present with the co-



CRM-M-33618-2024

accused nor any secret information was received qua him. The petitioner was subsequently nominated on the basis of a disclosure statement allegedly suffered by co-accused Saddam, who stated that the recovered contraband had been procured through him. Learned counsel submits that the petitioner being falsely implicated in the present case is apparent from the fact that he has no criminal antecedents as it is a matter of record that he has never been involved in any case under the NDPS Act.”

3. Learned counsel for the petitioner submits that in compliance of order dated 16.07.2024, 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 involved in any other case under the NDPS Act and he is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 16.07.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the 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.

22.10.2024

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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