

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-50188-2023

Date of decision: 27.02.2024

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Deeapak Vashishth, 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.31 dated 18.02.2021 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), registered at Police Station Bass, District Hisar.

2. Learned counsel for the petitioner inter alia contends that in compliance of order dated 05.10.2023, the petitioner has joined investigation and cooperated with the investigating agency. Learned counsel has reiterated that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act; it has also been submitted that the petitioner came to be nominated as an accused in the fourth disclosure statement allegedly suffered by Sukhbhag, who stated that the recovered contraband i.e. 12 kgs of ganja had been procured from the petitioner. Learned counsel has further submitted that the disclosure statement on the basis of which he is

being sought to be arraigned as an accused, does not have much evidentiary value and he having been falsely implicated in the instant case required to be appreciated in the light of his clean antecedents.

3. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation. It has also not been disputed that the petitioner has clean antecedents and is not involved in any other criminal case much less under the NDPS Act; still further learned State counsel on instructions has not disputed that the petitioner came to be nominated on the basis of fourth disclosure statement allegedly suffered by Sukhbhag, however, she submits that the petitioner has not been cooperating with the investigating agency inasmuch as he has failed to disclose the source from which the alleged contraband was purchased/procured by him.

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

5. Once the petitioner has joined investigation coupled with the fact that the petitioner has clean antecedents as admittedly he is not involved in any other criminal case much less under the NDPS Act, this Court is not inclined to order his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 05.10.2023, 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.

27.02.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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