

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-50453-2023

Date of decision: 12.01.2024

Anikesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurbir Singh Sidhu, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. 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.16 dated 28.01.2023 under Sections 17B of the NDPS Act (Section 29 of the NDPS Act added lateron) registered at Police Station Industrial Area, District Bhiwani.

2. On 06.10.2023, 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 the petitioner was neither named in the disclosure statement nor was he present with co-accused Ram Sagar at the time of the alleged recovery of 262 grams of opium (non-commercial quantity). Learned counsel submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Ram Sagar who stated that the recovered contraband had been procured from the petitioner. He further submits that such disclosure statement does not have much evidentiary value and all

this needs to be appreciated in the light of the petitioner not having any criminal antecedents. He further submits that the petitioner is ready to join investigation and cooperate with the investigating agency.”

3. Learned counsel for the petitioner submits that in compliance of order dated 06.10.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Kuldeep, 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 view of the above, the petition is allowed and interim order dated 06.10.2023, 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.

12.01.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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