



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-52858-2023

Date of decision: 06.05.2024

Surinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vishal Mittal, Advocate
for the petitioner.

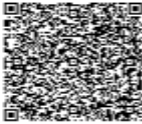
Mr. Navdeep Singh, DAG, Punjab.

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.0320 dated 11.09.2023 under Sections 18(a) of the NDPS Act and Sections 42 and 52A of the Prisons Act (Section 29 of the NDPS Act added lateron) registered at Police Station City Faridkot, District Faridkot.

2. On 17.10.2023, learned counsel for the petitioner had made the following submissions:-

“Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that the petitioner has been nominated as an accused on the basis of disclosure statement made by co-accused Amrinder Singh who was taken into custody at the spot and recovery of 34 gms of opium along with other incriminating material as per jail manual was effected from him. It is submitted that the recovery is marginally over the small quantity but weighed as commercial quantity i.e. under 2.5



kgs. Other than the disclosure statement, there is no material to connect the petitioner with the crime. The petitioner has clean antecedents and is not involved in any other criminal case.”

3. Thereafter, vide order dated 12.01.2024, the petitioner had been granted interim bail and had been asked to join investigation.
4. In compliance of order dated 30.04.2024, affidavit of Harjeet Singh, IPS, Senior Superintendent of Police, District Faridkot has been filed which is taken on record. A copy of the same has been supplied to the counsel opposite.
5. Learned State counsel, on instructions, has submitted that the petitioner has indeed joined investigation on 02.05.2024 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.
6. In view of the above, the petition is allowed and interim order dated 12.01.2024, 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.

06.05.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No