

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-53317-2023

Date of decision: 15.01.2024

Love Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navraj Mahal, Advocate for
Mr. Rituraj Singh, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., 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.0125 dated 25.07.2023 under Sections 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Garhshankar, District Hoshiarpur.

2. On 19.10.2023, 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 inter alia contends that the petitioner was not present with the co-accused, from whom a total recovery of 34 intoxicant injections of Buprenorphine IP 0.3 mg/2ml was effected, however, he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co accused Hardeep Singh, who stated that the recovered contraband had been purchased from the present petitioner. Learned counsel submits that the petitioner is doing a private job and thus, had no occasion to sell the recovered

contraband, and even otherwise, his false implication finds credence from the fact that he is not involved in any other criminal case, much less under the NDPS Act.”

3. Learned counsel for the petitioner submits that in compliance of order dated 19.10.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Mohinderpal Singh, 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. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case much less under the NDPS Act, he, on instructions, has replied in the negative.

6. In view of the above, the petition is allowed and interim order dated 19.10.2023, 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.

15.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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