

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

209

2024:PHHC:009274

CRM-M-55194-2023

Date of decision: January 24th, 2024

Ashok Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arvinder Singh, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.86 dated 10.04.2023 under Section 21 of the NDPS Act, 1985 (Section 25 of the NDPS Act added later on), registered at Police Station City Moga.

2. Vide order dated 03.11.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner submitted that it is a case where the petitioner has been nominated later on only because of the fact that the other co-accused, who was arrested, is the son-in-law of the petitioner and the motorcycle belongs to the petitioner. He further submitted that the petitioner has clean antecedents and is not involved in any other case and the aforesaid cannot be a ground for nomination and even otherwise also the petitioner is of the age of 64 years and is having medical ailments.”

3. Learned counsel for the petitioner submits that in compliance of order dated 03.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Charanjit Kaur, has not disputed that the petitioner is not involved in any other criminal case much less under the NDPS Act. 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 03.11.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

January 24th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No