

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-56557-2023

Date of decision: 09.02.2024

Jabbar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nandan Kumar, Advocate for
Mr. Ashik Ali, 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.167 dated 30.06.2023 under Sections 21, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sanoli, District Panipat.

2. On 29.11.2023, 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 on the face of it, a false and fabricated case has been planted upon him. It is evident from the fact that firstly there was non compliance of the mandatory provisions of NDPS Act, while effecting the alleged recovery from co-accused Munni and furthermore, the petitioner was not present along with the co-accused but came to be nominated on the basis of a disclosure statement allegedly suffered by co-accused Munni.”

3. Learned counsel for the petitioner submits that in compliance of order dated 29.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions from ASI Kirpal Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She, 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 29.11.2023, 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.

09.02.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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