

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-63170-2023

Date of decision: 03.04.2024

Kuldeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Satbir Singh Gill, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., 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.369 dated 04.09.2023 under Sections 17(b)/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Dabwali, District Sirsa.

2. On 15.12.2023, 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 has clean antecedents as he is not involved in any other criminal case, much less under the NDPS Act; he has been nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Jasvir Singh @ Kala, from whom a recovery of 540 grams of Opium was allegedly effected. Learned counsel submits that firstly the recovery effected from the co-accused falls under the intermediate quantity and secondly, the evidentiary value of the disclosure statement, on the basis of which the petitioner has been nominated as an accused, is very weak.”

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3. Learned counsel for the petitioner submits that in compliance of order dated 15.12.2023, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions from ESI Madan Lal, 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 15.12.2023, 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.

03.04.2024		(MANJARI NEHRU KAUL)
Vinay		JUDGE
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No