



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65525-2023

Date of Decision : 14.05.2024

MUNISH KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Roma Gill, Advocate for
Mr. Harish Goyal, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 18.01.2024, the following order was passed by this

Court:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.124 dated 18.08.2023, under Sections 22(b), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the ‘N.D.P.S. Act’), and, Section 188 of the Indian Penal Code, registered at P.S. City 1 Mansa, District Mansa.

2. The learned counsel appearing for the petitioner, in his asking for the relief (supra), submits that the petitioner has been falsely implicated in the present FIR, as neither any recovery has been effected from him, nor his name finds recorded in the FIR. The name of the petitioner has surfaced as an accused in the instant case, merely on the basis of a disclosure statement of co-accused Abhishek. Except the disclosure statement (supra), there is no cogent evidence on record to connect the petitioner with the alleged crime.

3. The learned counsel for the petitioner further submits that, if for the sake of arguments, the allegations are taken to be gospel truth, even then the contraband, as evidently recovered from co-accused, does not debar the petitioner from seeking the concession of anticipatory bail, as the weight of the recovered 300 Alprazolam tablets comes out to

approx. 36.9 grams, which is much lower than its prescribed 'commercial quantity' of 100 grams. Moreover, insofar as the recovered 36,900 capsules of Pregabaldn are concerned, the same do not fall within the category of 'prohibited narcotics' under the N.D.P.S Act.

4. Notice of motion for 09.04.2024.

5. Ms. Navreet K. Barnala, A.A.G, Punjab, accepts notice on behalf of respondent-State of Punjab.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. The petitioner was again directed to join investigation vide order dated 09.04.2024.

3. Today, learned State counsel, on instructions imparted to him by ASI Avtar Singh, submits that the petitioner has joined the investigation in pursuance to the aforesaid orders, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

4. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 18.01.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

May 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No