

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-37667 of 2015

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Date of decision:5.12.2015

Kuldeep Singh

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. D.S. Virk, Advocate for the petitioner.

Mr. Himmat Singh, Assistant Advocate General, Haryana for
the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.131 dated 18.9.2015 registered for the offences under Sections 17 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Odhan, District Sirsa.

Notice of motion has been issued in this case.

Mr. Himmat Singh, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Haryana appearing for the respondent-State and have gone through the record.

As per the FIR, 600 Grams of opium was recovered from the

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right pocket of co-accused Kashmir Singh while he was going in the car. The co-accused Kashmir Singh has made the statement that he had purchased the same from the present petitioner Kuldeep Singh. At this stage, there is nothing on the record to show the involvement of the present petitioner Kuldeep Singh. The recovery made from the co-accused is non-commercial quantity.

The present petitioner has already joined the investigation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 4.11.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

December 5, 2015.

(Inderjit Singh)
Judge

hsp