

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-12092 of 2016

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Date of decision:14.7.2016

Parminder Singh alias Parvinder Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Amit Kumar Walia, Advocate for the petitioner.

Mr. P.S. Grewal, Deputy Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.72 dated 1.3.2016 registered for the offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station City Sangrur, District Sangrur.

Notice of motion has been issued in this case.

Mr. P.S. Grewal, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

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

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As per the prosecution version, the allegation against the petitioner is that he was on Aactiva scooter, carrying plastic envelope in his right hand. On seeing the police party, he tried to turn back and in this process envelope fell down, but he succeeded to run away and from the envelope 10 grams of heroin was recovered.

The petitioner has already joined the investigation. The petitioner is not required for custodial interrogation. The recovery has already been effected. 10 Grams of heroin falls in non-commercial quantity. The trial of the case will take long time. 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 7.4.2016 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.

July 14, 2016.

(Inderjit Singh)
Judge

hsp