

CRM-M-16365-2016

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-16365-2016

Date of Decision: 03.08.2016

Naresh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Jitender Dhanda, Advocate,
for the petitioner.

Mr. Vikramjit Singh, Addl. A. G. Haryana.

INDERJIT SINGH, J.

Petitioner-Naresh Kumar has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.83 dated 27.02.2016, registered at Police Station City Fatehabad, under Sections 21 and 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion has been issued in this case.

Mr. Vikramjit Singh, Addl. A. G. 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 State counsel and have gone through the record.

From the record, I find that as per the prosecution version, the police apprehended accused-Satnam @ Sattu who was driving a car

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and a recovery of 80 grams heroin was effected from his search.

The recovery effected from the co-accused falls under non-commercial quantity. The only allegation against the present petitioner is that co-accused has suffered a disclosure statement to the effect that the present petitioner alongwith other persons is running joint business of heroin. In pursuance of the interim order dated 12.05.2016, the petitioner has joined the investigation. The petitioner is not required for custodial interrogation as nothing is to be recovered from him.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and also keeping in view the facts that the recovery effected from the co-accused falls under non-commercial quantity and no useful purpose will be served by sending the petitioner to custody, I find merit in this petition and the same is allowed. The order dated 12.05.2016 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.

03.08.2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No