

CRM-M-16561-2016

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

CRM-M-16561-2016

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.85 dated 27.02.2016, registered at Police Station City Fatehabad, under Section 21 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.

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From the record, I find that as per the prosecution version, recovery was effected from the possession of co-accused, Satnam @ Sattu. The petitioner has been nominated on the basis of disclosure statement suffered by co-accused who stated that he had purchased heroin from the present petitioner. The recovery effected from the co-accused falls under non-commercial quantity.

In pursuance of the interim order dated 13.05.2016 passed by a Coordinate Bench of this Court, 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 13.05.2016, 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