

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

CRM-M No. 27129 of 2016
Date of decision : August 26, 2016

Gurnam Singh

..... Petitioner

v.

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. HS Rakhra, Advocate
for the petitioner.

Mr. Satish Saini, DAG Haryana

Ajay Tewari, J (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No.127, dated 13.5.2016, registered under Sections 17/21 of the NDPS Act, at Police Station Kalanwali, District Sirsa.

As per allegations, the police had received a secret information that the petitioner was selling narcotics and if a raid was conducted, the same could be recovered. Accordingly, raid was

conducted and the petitioner was not found at the spot but a young boy (who lateron turned out to be his son) on seeing the police party threw a packet and ran away. It was from that packet that 25 grams of opium and 15 grams of heroin were recovered.

Counsel for the petitioner has argued that neither the petitioner nor his son were arrested from the spot and even otherwise the recovery is of non-commercial quantity.

On the last date, the matter was adjourned to enable the State to file a certificate about the antecedents of the petitioner. The same has been filed by way of affidavit of Satyapal, DSP Dabwali, as per which the petitioner has been acquitted in four cases and trial is pending in one case where there is recovery of 2 grams of heroin. In another case, he has been convicted for imprisonment of two years in 2012 and even that was a case of non-commercial quantity of opium.

In these circumstances, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. The petitioner is directed to appear before the Investigating Officer on 5.9.2016 or on any other day on which the Investigating Officer requires his presence, and in the event of his arrest, the petitioner shall be released on anticipatory bail by the Investigating Officer to his satisfaction subject to the compliance of the provisions as contained in Section 438(2) of the

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Cr.P.C.

The petition stands disposed of.

August 26, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No