

CRM-M-36519-2016

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

CRM-M-36519-2016

Date of Decision: 25.10.2016

Avtar Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. K.S.Dhaliwal, Advocate,
for the petitioner.

Mr. Vikas Chopra, Deputy Advocate General, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner, Avtar Singh, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.219 dated 16.09.2016, registered at Police Station Cheeka, District Kaithal, under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the prosecution version, poppy husk weighing 2 kgs. was recovered from co-accused, Narender

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Singh. The present petitioner has been nominated on the basis of disclosure statement suffered by co-accused, Narender Singh, who stated that he and the present petitioner indulged in illegal trade of poppy husk and the present petitioner supplied poppy husk to him.

Keeping in view the facts and circumstances of the present case and in view of the facts that recovery has already been effected which falls under non-commercial quantity and that nothing is to be recovered from the present petitioner, I find that no useful purpose would be served by sending the petitioner to custody.

Without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case and that no useful purpose will be served by sending the petitioner to custody, I find merit in the present petition and the same is allowed. It is ordered that in the event of arrest, the petitioner be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.10.2016
parveen kumar

(INDERJIT SINGH)
JUDGE

Note: Whether speaking/reasoned : Yes
Whether reportable : No