

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

CRM-M-37288-2016

Date of Decision: 13.12.2016

Kala Singh @ Kalu Ram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Naresh Kumar Ganga, Advocate,
for the petitioner.

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

INDERJIT SINGH, J. (Oral)

Petitioner, Kala Singh @ Kalu Ram 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.276 dated 28.09.2016, registered at Police Station Dabwali, District Sirsa, under Section 15 of 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 4 kgs was recovered from co-accused, Veer Singh.

The allegation against the present petitioner is that he supplied the aforesaid

poppy husk to the co-accused. The aforesaid recovery falls under non-commercial quantity.

In pursuance of the interim order dated 20.10.2016 passed by this Court, the petitioner has already joined the investigation. He is now not required for custodial interrogation. Recovery has already been effected and nothing is to be recovered from him. Therefore, 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 of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 20.10.2016, 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.

13.12.2016
parveen kumar

(INDERJIT SINGH)
JUDGE

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