

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

CRM No.M-35780 of 2016 (O&M)

Date of decision: January 17, 2017

Gursharan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. G.S.Kaura, Advocate
for the petitioner.

Mr. B.S.Virk, DAG, Haryana,
for the respondent-State.

INDERJIT SINGH, J.

Petitioner-Gursharan Singh 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.220, dated 11.08.2016, registered at Police Station Kalanwali, District Sirsa, under Section 21-B of Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion has been issued in this case.

Mr. B.S.Virk, DAG, Haryana, has put in appearance on behalf of the respondent-State and contested this petition. He has also placed on record copy of FSL report.

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

Learned State counsel admits that the recovery in the present case is non-commercial. Moreover, the petitioner is not named in the FIR.

The accused from whom the recovery has been effected has stated that he purchased the contraband from the present petitioner. The petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from the present petitioner. 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 23.11.2016, 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.

January 17, 2017

rajesh k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No