

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

CRM No.M-39045 of 2016 (O&M)

Date of decision: March 16, 2017

Somdutt

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

INDERJIT SINGH, J.

Petitioner-Somdutt 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.432, dated 04.10.2016, registered at Police Station Mahendergarh, Distrit Mahendergarh, under Sections 21, 21-A and 22-C of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 120-B of Indian Penal Code.

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 the present petitioner is the owner of Som Medical Store and has a valid license to run medical store. The FIR

was registered against the son of petitioner namely Sumit on the allegations that recovery of 1542 injections and 2835 pills was effected from the kitchen of his house.

It is argued by the learned counsel for the petitioner that the shop is on the ground floor and the house is on first floor. It is not contested by the learned State counsel that as per the license, the petitioner can keep these medicines in his medical store.

In pursuance of the interim order dated 08.11.2016, passed by this Court, the petitioner has already joined the investigation and no recovery has been effected from the present petitioner. He is not required for custodial interrogation. 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 08.11.2016, 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.

March 16, 2017

rajesh k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No