

CRM-M-40128-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40128-2017

Date of Decision: 14.12.2017

Balwinder Kaithal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. J.S.Thakur, Advocate,
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab

INDERJIT SINGH, J.

Petitioner-Balwinder Kaithal 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.225 dated 20.08.2017, registered at Police Station Kotwali, District Kapurthala, under Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion has been issued in this case. Learned State counsel has 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, 50 grams of *Ganja* and 10 grams of intoxicant powder have been recovered from Deepak Kumar to whom the present petitioner had gone to meet in

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Central Jail, Kapurthala. The recovery effected in the present case falls in non-commercial quantity.

In pursuance of the interim order dated 30.10.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. Therefore, no useful purpose will be served by sending him 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 30.10.2017, 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.

14.12.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

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