

CRM-M-40780-2017

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

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Date of Decision: 14.12.2017

Mahender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sunil Sihag, Advocate,
for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner-Mahender has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.164 dated 21.07.2017, registered at Police Station Ellenabad, District Sirsa, under Sections 21 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was 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 FIR, two persons namely Pawan and Rakesh were apprehended and on their personal search, 03

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grams of heroin was recovered from each of them. The present petitioner has been nominated by the co-accused. The allegation against the present petitioner is that he sold the heroin to co-accused.

In pursuance of the interim order dated 01.11.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. 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 01.11.2017, 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