

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

**Criminal Misc. No. M-43935 of 2016
Date of Decision: 06.03.2017**

Lakhbir Singh alias Lakhi

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. B.S. Virk, DAG, Haryana for respondent(s)-State

...

Inderjit Singh, J.

Petitioner-Lakhbir Singh alias Lakhi has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.273 dated 13.11.2016, registered at Police Station Jakhal, District Fatehabad, under Section 21-B of NDPS Act.

Notice of motion was issued in this case.

Learned State counsel has appeared 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 19 grams of heroine has been recovered from the present petitioner and he could not be arrested on the spot as he ran away. The recovery has already been effected and the said recovery falls in non-commercial quantity.

Moreover, in pursuance of the interim order dated 08.12.2016,

passed by this Court, the petitioner has already joined the investigation. He

is not required for custodial interrogation. No useful purpose would 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 08.12.2016, 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 06, 2017
jasmine

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No