

CRM-M-46352-2016

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

CRM-M-46352-2016

Date of Decision: 21.02.2017

Raman @ Kalu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Harpreet Singh Dandiwal, Advocate,
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner-Raman @ Kalu 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.735 dated 04.12.2016, registered at Police Station Ratia, District Fatehabad, under Section 21-B 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, the police party

apprehended co-accused, Pankaj and 80 grams smack/heroin was recovered

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from him. As per the FIR, the petitioner has been nominated on the disclosure of co-accused that the heroin was brought by him and his brother i.e. present petitioner from Delhi, but he did not know the name from whom they purchased it.

In pursuance of the interim order dated 23.12.2016 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. His name appeared on the basis of disclosure statement of co-accused. 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 23.12.2016, 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.

21.02.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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