

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.No.M-3936 of 2018 (O&M)
Date of decision : 03.05.2018

Avtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

Petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.120 dated 21.12.2017, registered under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (in short 'the Act'), at Police Station Fatehgarh Churian, District Gurdaspur.

Learned counsel for the petitioner has stated that it is a case of non-commercial quantity; the petitioner has joined the investigation and nothing is to be recovered from him. Rather 10 grams of heroin was recovered from co-accused Jaswinder Singh alias Jass.

Learned State counsel has stated that the petitioner has joined the investigation. However, he opposite the instant petition for grant of bail.

The recovery of contraband falls within the ambit of non-commercial quantity. The provisions of Section 37 of the Act are not

applicable in the instant petition. The petitioner is not required for any custodial interrogation.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case.

Ordered accordingly.

Resultantly, the interim order dated 01.02.2018, passed by this Court, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

(RAJ SHEKHAR ATTRI)
JUDGE

03.05.2018
mamta-M

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No