

CRM-M-9166-2019

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

CRM-M-9166-2019

Date of Decision: 02.05.2019

Mishra Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Mr. Sharad Kumar Yadav, DAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner 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.661 dated 24.12.2018, registered under Sections 21(b) and 27(A) (Act No.61) of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Sadar Ratia, District Fatehabad.

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 gone through the record.

From the record, I find that 06 gram of heroin has been recovered from co-accused, Gurpreet Singh. The present petitioner has

CRM-M-9166-2019

been nominated in this case on the basis of statement of co-accused that the petitioner deals in the trade of narcotics and from whom, he has purchased the same.

In pursuance of the interim order dated 28.02.2019 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. The recovery already effected in the present case does not fall in commercial quantity. 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 28.02.2019, 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.

02.05.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

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