

CRM-M-11240-2019

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

CRM-M-11240-2019

Date of Decision: 08.04.2019

Ajij Ahamad

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. G.S.Verma, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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.214 dated 14.09.2018, registered at Police Station Sadar Khanna, District Ludhiana, under Section 18 of the NDPS 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 gone through the record.

Perusal of record shows that 2 kg opium, which falls in non-commercial quantity, was recovered from co-accused, namely, Anish and

Ravinder Singh. As per the prosecution version, co-accused, namely, Anish,

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has nominated the present petitioner by making disclosure statement that the aforesaid opium was delivered by the present petitioner.

Learned counsel for the petitioner submits that in the present case, the petitioner has been implicated falsely.

In pursuance of the interim order dated 12.03.2019 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Recovery has already been effected, which falls in non-commercial quantity. Moreover, co-accused, namely, Jaswinder Singh having similar allegations, has already been granted the benefit of anticipatory bail by this Court vide order dated 31.01.2019 passed in CRM-M-43638-2018. 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 12.03.2019, 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.

08.04.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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