

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

CRM-M-15939-2019

Date of Decision: 01.05.2019

Rakesh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. K.P. Rana, Advocate for
Mr. Ajay Arora Bharti, Advocate for the petitioner.

Mr. Navdeep Singh, AAG, Haryana.

...

Inderjit Singh, J. (Oral)

Petitioner Rakesh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.57 dated 21.03.2019, registered at Police Station Rattia, under Sections 15/27-A of the NDPS Act, 1985.

Notice of motion was issued.

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.

In the present case, recovery of 15 kgs poppy husk has been effected from the co-accused, which falls in non-commercial quantity. The only allegation against the present petitioner is that the main accused has purchased the said poppy husk from him. At this stage, there is only disclosure statement of the co-accused.

In pursuance of the interim order dated 08.04.2019, passed by this Court, the petitioner has already joined the investigation. He is not

required for custodial interrogation. Recovery has already been effected. No useful purpose would be served by sending him 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 08.04.2019, 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.

01.05.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No