

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-16908-2019(O & M)

Date of Decision: 28.05.2019

SUNNY KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Mr. Amit Mehta, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No.59 dated 14.03.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act ('NDPS Act' - for short) registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein it is alleged that 60 tablets of clovidol weighing 440 mg each and 250 tablets of clonazepam were recovered from co-accused - Sonu. The petitioner has been arraigned as an accused on the disclosure statement of Sonu that he had purchased the medicines from the petitioner. He also contends that the quantity of alleged recovery of clonazepam does not fall within the definition of 'commercial quantity' while the recovery of clovidol, which is 26 grams, is just above the 'small quantity' of 5 grams but way below the 'commercial quantity' of 250 grams. He further contends that the petitioner is not involved in any other case under the NDPS Act.

This Court, by the order dated 09.05.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Ashok Kumar, states that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 09.05.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

May 28, 2019

A.Kaundal

Whether speaking/ reasoned:	Yes/No
Whether Reportable :	Yes/No