

CRM-M-17104-2019

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

CRM-M-17104-2019

Date of Decision: 21.05.2019

Risal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rahul Vats, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, 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.67 dated 28.03.2019, registered at Police Station Sadar Tohana, District Fatehabad, under Sections 15 and 18 of the NDPS Act, 1985 (added/amended later as Sections 15-B, 18-B and 27-A of the NDPS Act, 1985).

Notice of motion was issued in this case. Learned State counsel 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.

CRM-M-17104-2019

From the record, I find that as per the prosecution version, poppy straw weighing 1 kg. 970 gms. and opium weighing 150 grams were recovered from co-accused, Kuldeep. The main allegation against the present petitioner is that co-accused, Kuldeep, had purchased the said contraband from him. Recovery effected from the co-accused falls in non-commercial quantity. Nothing has been recovered from the present petitioner and he has been nominated on the basis of disclosure statement made by co-accused.

In pursuance of the interim order dated 12.04.2019 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Recovery has already been effected. 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 12.04.2019, 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.

21.05.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

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