

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

203

**C.R.M-M No.49520 of 2018
Date of Decision : 30.01.2019**

Gurjeet Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Himmat Singh, D.A.G., Haryana.

AJAY TEWARI, J. (ORAL)

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.243 dated 14.10.2018 registered under Section 21 of the NDPS Act, 1985 at Police Station Kalanwali, District Sirsa.

On 06.11.2018 the following order was passed:-

“The petitioner has sought pre-arrest bail in case FIR No.243 dated 14.1.2018 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 185, registered at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner contends that as per the allegations in the FIR, 100 grams of 'heroin' (chitta) was recovered from a bag which was being carried by one Lakhwinder Singh. The name of the petitioner has been revealed by Lakhwinder Singh stating that he had purchased

the said contraband from the petitioner.

It is argued that the recovery is of non-commercial quantity and the name of the petitioner has only surfaced in the disclosure statement of accused Lakhwinder singh. The petitioner is not involved in any other case of NDPS Act.

Notice of motion for 30.1.2019.

Meanwhile, in the event of his arrest, the petitioner-Gurjeet Singh shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. He is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned Sr. Deputy Advocate General on instructions from ASI Kheta Ram has stated that the petitioner has joined the investigation and he is no more required for custodial interrogation.

In the circumstances, keeping in view the entire conspectus of facts, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Petition is allowed. Interim order dated 06.11.2018 is made absolute.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

January 30, 2019
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No