

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

CRM-M-23705-2019 (O&M)

Date of decision : 23.07.2019

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Riffi Bala Birla, Advocate for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

On 11.07.2019, following order was passed by this Court:-

“Learned counsel for the petitioner contends that it is debatable as to whether poppy plants including flowers and pods measuring 10 Kgms and 500 grams would fall in the definition of opium poppy or poppy straw? She further submits that brother of the petitioner who is co-owner and caught at the spot has already been released on regular bail vide order dated 25.04.2019 by the Special Court, Fazilka. She also contends that the plants were allegedly grown in a very small area i.e. 10'x20' (2 karam x 4 karam), which cannot be for commercial purpose. She further submits that no recovery is to be effected from the petitioner.

On the other hand, learned counsel for the State, on instructions from ASI Jaswinder Singh, has submitted that the plants along with the flowers and pods were recovered

and therefore, it would fall in Section 15 of the NDPS Act.

However, on pointed question, State counsel on instructions from ASI Jaswinder Singh, has submitted that no recovery is to be effected from the petitioner.

Keeping in view the aforesaid facts, petitioner is directed to join the investigation and cooperate.

Adjourned to 23.07.2019.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the State, on instructions from SI Baljeet Singh, has submitted that petitioner has joined investigation, cooperated and not required for further custodial interrogation.

Hence, order dated 11.07.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

23.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No