

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

**CRM-M-3459-2020
Date of Decision : 02.09.2021**

Joginder Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Bhawesh Chaudhary, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI (Oral)

At the outset, learned State counsel, on instructions from ASI Niranjan Singh, has stated that in pursuance of order dated 27.01.2020, the petitioner has joined the investigation and has cooperated with the investigation process and is not required for custodial investigation.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not named in the FIR and was falsely implicated in the case on the basis of disclosure statement of co-accused and the alleged recovery from co-accused was 50 grams of Heroin which is non-commercial quantity. Therefore, bar of Section 37 of the Narcotic Drugs & Psychotropic Substances Act does not apply in the present case. Learned counsel for the petitioner has further submitted that the petitioner is not involved in any other case.

In view of the stand taken by the learned State counsel, the present petition is allowed and the interim order dated 27.01.2020, t is made absolute.

02.09.2021
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(JASGURPREET SINGH PURI)
JUDGE

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