

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM-M-4314-2020 (O&M)

Date of decision: 18.08.2021

Rajat

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arav Gupta, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.5 dated 04.01.2020 under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act was added later on), registered at Police Station Babain District Kurukshetra, Haryana.

Counsel for the petitioner has contended that the allegation against the petitioner is that he had sold 320 capsules of tramadol weighing 102.4 grams, which falls within the ambit of non-commercial quantity, to accused-Narinder Pal.

On 31.01.2020, the following order was passed:-

“Learned counsel for the petitioner has submitted that the tramadol capsules were sold by the

petitioner to the accused-Narinder Pal against bill dated 02.01.2020, Annexure P-4.

Notice of motion for 06.03.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel, upon instructions, from SI Dharmbir submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to state that the petitioner is not involved in any other criminal case.

In view of the above fact, but without commenting on the merits of the case, the present petition is allowed. Order dated 31.01.2020 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

18.08.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No