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

CRM-M-12829-2021

Date of decision : 29.11.2021

Mohammad Nadeem

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. M.S. Yadav, Advocate for
Mr. Sunny K. Singla, Advocate for the petitioner.

Mr. Sukhbeer Hundal, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.7 dated 12.01.2021 registered under Sections 21/29/61/85 of the Narcotic Drugs and Psychotropic Substances, Act, 1985, at Police Station City-II, District Malerkotla, District Sangrur.

On 19.03.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner contends that the petitioner has been nominated on the basis of disclosure statement of Abdul Hameed @ Billa from whom 01 gram of Heroin was allegedly recovered.

Notice of motion for 25.05.2021.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

On 13.09.2021, a Coordinate Bench of this Court had passed the following order:-

“The case has been taken up for hearing through video conferencing.

Notice of motion was issued on 19.03.2021 after noticing some incriminating facts and arrest of the petitioner was also stayed.

For the reasons stated in the order dated 19.03.2021, it would be just and appropriate to direct the petitioner to appear before the SHO/Investigating Officer to join investigation on 20.09.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion in the merits of the case. The case shall be decided on the merits on the adjourned date.

List on 29.11.2021.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 13.09.2021, the petitioner has joined the investigation.

On the other hand, learned counsel for the State has opposed the present petition for grant of anticipatory bail to the petitioner.

Keeping in view the abovesaid facts and circumstances, moreso the facts which have been noticed in the abovesaid two orders and also the

fact that the petitioner has been nominated as an accused on the basis of disclosure statement of one Abdul Hameed @ Billa and no recovery has been made from the petitioner and even the alleged recovery from the said Abdul Hameed @ Billa is of 1 gram of heroin which is of small quantity and also keeping in view of the law laid down in judgment dated 17.06.2020 passed in CRM-M-12051-2020 titled "***Mewa Singh Vs. State of Punjab***", and order dated 16.07.2021 passed in CRM-M-12997-2020 titled as "***Daljit Singh Vs. State of Haryana***", the present petition is allowed and the interim order dated 13.09.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

29.11.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**