

210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video conferencing)

CRM-M No.19002 of 2021
Date of Decision: 12.08.2021

DINESH	Petitioner
Vs	
STATE OF PUNJAB	Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail in case bearing FIR No.33 dated 31.03.2021, registered under Sections 22 and 29 of the NDPS Act at Police Station Moonak, District Sangrur.

Petitioner has been nominated on the basis of disclosure statement of co-accused Sukhdev Singh from whom 8800 loose intoxicant tablets of white colour and 500 loose intoxicant capsules of violet colour were allegedly recovered.

On 17.05.2021, following order was passed by this Court:-

"The case has been taken up for hearing through

video conferencing.

Learned counsel for the petitioner contends that petitioner has been nominated on the basis of disclosure statement of co-accused Sukhdev Singh from whom 8800 white colour tablets and 500 violet colour tablets were allegedly recovered.

Notice of motion for 12.08.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 26.05.2021 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 on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned counsel for the petitioner besides arguing on the basis of FSL report submits that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

As per FSL report, average weight of one loose intoxicant capsule is found to be 505 mg. Total weight of said intoxicant would come out to be 252 grams. As per Schedule ; the quantity upto 250 grams of Tramadol Hydrochloride is non-commercial. The commercial category starts from 250 grams onwards in view of Section 2(viia) of NDPS Act 'commercial quantity' in relation to narcotic drugs and psychotropic substances, means any quantity greater than the quantity specified by the Central Government by notification in the

Official Gazette.

The contraband (8800 tablets) was found to be that of Chlorpheniramine Maleate. According to learned counsel for the parties, it is a scheduled 'H' drug which does not fall under the NDPS Act.

Learned State counsel on instructions from ASI Balbir Singh submits that the petitioner has joined the investigation and he is no more required for further investigation of the case.

In view of aforesaid statement made by learned State counsel, the interim order dated 17.05.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

August 12, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No