

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-21941-2021

Date of Decision: 02.08.2021

Mohammad Vakeel

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

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

Mr. Randhir Singh Thind, DAG, Punjab.

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**Through Video Conferencing**

**JASGURPREET SINGH PURI, J. (Oral)**

At the outset, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has stated that in pursuance of the orders passed by this Court on 16.07.2021 the petitioner has joined investigation and is fully cooperating with the investigation process and he is not required for custodial investigation.

It is a case where there was an alleged recovery of 340 tablets of tramadol and 174 intoxicating tablets of which salt is not known as yet. So far as the recovery of 340 tablets of tramadol are concerned, the weight of the same does not fall under the commercial quantity and so far as the recovery of 174 intoxicating tablets are concerned, even as of today as per the learned State counsel the FSL report has not been received. Even otherwise also the alleged recovery was not made from the petitioner but it

was made from the other co-accused and the name of the petitioner was nominated on the basis of disclosure statement made by other two co-accused. The learned State counsel has not been able to state as to how the petitioner was linked in the present case apart from the disclosure statement. This Court is of considered opinion that the bar contained under Section 37 of the NDPS Act would not apply in the present case at this stage.

In view of the totality of the circumstances of the present case and in view of the statement made by learned State counsel that custodial investigation of the petitioner is not required, the present petition is allowed. The order dated 16.07.2021 is hereby made absolute.

**02.08.2021**

rakesh

Whether speaking  
Whether reportable

**(JASGURPREET SINGH PURI)  
JUDGE**

: Yes/No  
: Yes/No