

213
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-29750-2021(O&M)
Date of Decision: 25.10.2021

Sanjiv Kumar

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Paras Jagga, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

At the outset, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has stated on instructions from ASI Harnek Singh that in pursuance of the orders passed by this Court on 29.07.2021 the petitioner has already joined investigation and he is fully cooperating with the investigation process and he is not required for custodial interrogation.

In the present case there has been an alleged recovery of 10 grams of heroin from the co-accused and the name of the petitioner has been nominated on the basis of a disclosure statement.

An affidavit has been filed by the State in which it has been stated that the name of the petitioner has been nominated on the basis of a

disclosure statement. However, there is nothing in the affidavit to show that apart from the disclosure statement as to whether there is any material evidence available with the prosecution for connecting the petitioner with the present offence. The alleged recovery is of 10 grams of heroin from the co-accused and it is a non-commercial quantity.

In view of the stand taken by the learned State counsel that the petitioner is not required for custodial interrogation, the present petition is allowed and the order dated 29.07.2021 is hereby made absolute.

25.10.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No