

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 2060 of 2022
Date of Decision: 19.1.2022**

Naseeb

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. S.S.Gill, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana

SURESHWAR THAKUR, J. (ORAL)

(Through video conferencing)

1. In FIR No. 692 of 13.12.2021, offences constituted under Sections 21, 27, 61, 85 of the NDPS Act, 1985 are embodied, and, the afore FIR is registered at City Sirsa, District Sirsa.

2. The learned counsel appearing for the State of Haryana, on instructions meted to him by ASI Rajesh, submits that, the weight of heroin, as became recovered from the concious, and, exclusive possession of co-accused Pankaj Kumar, who had on his being put to custodial interrogation, hence named the petitioner to be the supplier of the afore apposite seizure, is rather 25 grams. He further submits, on the instructions meted to him, that the weight of the afore seizure falls within intermediate quantity thereof.

3. Consequently, the rigours of Section 37 of the NDPS Act, are not applicable to the weight of the afore seizure. Therefore, this Court does not deem it fit, and, appropriate to order for custodial interrogation of the bail applicant-petitioner. Moreover, also when the learned State counsel submits that, at this stage, there is no necessity to order for the custodial interrogation

4. However, at this stage, the learned State counsel submits that since the bail applicant-petitioner has tainted antecedental history, thereupon there is every possibility of the bail applicant-petitioner abusing the facility of bail, as may become accorded to him. The vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of stringent conditions, upon the bail applicant-petitioner.

5. Therefore, the bail applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer.

6. In addition, in case, the bail applicant-petitioner re-indulges in criminal activities, thereupon, it is open to the investigating officer concerned to forthwith arrest the bail applicant-petitioner, and, thereafter to produce him before the learned Magistrate concerned, for the latter making an order for his being put to judicial custody.

7. The petition stands disposed of.

8. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

January 19, 2022
Gurpreet

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