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

\*\*\*\*

**CRM-M-13711-2022  
Date of Decision: 12.12.2022**

Naresh ..... Petitioner

Versus

State of Haryana ..... Respondent

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

Present: Mr. B.S. Saroha, Advocate,  
for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG, Haryana.

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

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.30, dated 22.02.2022, under Section 20(B) of the NDPS Act and Section 29 of the NDPS Act added later on, registered at Police Station Rajound (Rajaund), District Kaithal.

Learned counsel for the petitioner has submitted that the name of the petitioner has been surfaced on the basis of the disclosure statement of the co-accused, namely, Monu from whom there was an alleged confiscation of 19 grams of *Heroin*. He further submitted that the petitioner is not involved in any other case and is having clean antecedents and there is no other case against the petitioner under the NDPS Act. He also submitted that the aforesaid quantity even from the co-accused, does not fall in the category of commercial

quantity. He further submitted that on 01.04.2022, the petitioner was directed to join the investigation and was granted interim bail and in pursuance thereof, he has already joined the investigation and has fully co-operated with the investigation process and has, therefore, prayed that the aforesaid interim order may be made absolute.

Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana, has stated on instructions from A.S.I. Kuldeep, that it is correct that in pursuance of the order passed by this Court on 01.04.2022, the petitioner has joined investigation and he has fully cooperated with the investigation process. He further submitted that it is also correct that the name of the petitioner has been nominated on the basis of the disclosure statement of the aforesaid co-accused, from whom, there was a recovery of 19 grams of *Heroin*, which does not fall in the category of commercial quantity. He further submitted that he has a specific instructions to say that the petitioner is not required for custodial interrogation.

I have heard the learned counsel for the parties.

In view of the aforesaid position wherein the petitioner has joined the investigation and as per the specific stand taken by the learned State counsel that the petitioner is not required for custodial investigation and the fact that the alleged recovery from the co-accused does not fall in the category of the commercial quantity coupled with the fact that the petitioner is stated to be not a habitual offender, this Court deems it fit and proper to grant anticipatory bail to the petitioner.

Consequently, the present petition is allowed and the order dated 01.04.2022, whereby the petitioner was directed to join the investigation, is

hereby made absolute.

12.12.2022

*Bhumika*

(JASGURPREET SINGH PURI)  
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |