

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

CRM-M-17828-2022

Date of Decision:-**29.09.2022**

GURWANT SINGH ALIAS GURWANT

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Jagjit Singh, Advocate for
Mr. Amit Arora, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR
No.179 dated 9.11.2021 registered under Sections 21/29 of NDPS Act at
Police Station Majitha District Amritsar (Rural).

Counsel for the petitioner submits that the petitioner has joined
investigation with the police by virtue of previous order dated 29.4.2022
passed by this Court.

State counsel on instructions from ASI Ajit Singh has not refuted the aforesaid assertions made by counsel for the petitioner and submits that petitioner who has associated with the investigation is not required by police for further investigation or for custodial interrogation.

As per the allegations appearing on the record, 5 grams Heroin was recovered from the possession of co-accused Gurvinder Singh by the police on 9.11.2021 and the present petitioner was nominated as an accused on the basis of disclosure made by said Gurvinder Singh to the effect that he purchased the aforesaid Heroin from the petitioner.

The petitioner has already joined investigation with the police and present case apparently pertains to recovery of 5 grams of Herion, which falls under non-commercial quantity of contraband, thus not covered under the embargo provided under Section 37 of the NDPS Act and the petitioner was nominated as an accused on the basis disclosure statement made by co-accused Gurvinder Singh, the admissibility and veracity of the same would be tested during the course of trial.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 29.4.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

29.09.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No