

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

CRM-M-21420-2022
Date of Decision:-**19.12.2022**

DEEPAK

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Gagandeep Singh, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana
assisted by SI Ramesh.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR
No.294 dated 9.4.2022 registered under Section 21-B NDPS Act, at Police
Station Azad Nagar, District Hisar.

As per the allegations appearing on record, recovery of 10.05
grams of heroin was effected from co-accused Pawan Kumar on 9.4.2022
and the name of the petitioner surfaced on the basis of disclosure statement

made by said Pawan Kumar. On the last date of hearing, the petitioner was directed to join investigation with the police.

Counsel for the petitioner submits that the petitioner has joined investigation with the police by virtue of previous order dated 18.5.2022 passed by this Court.

State counsel on instructions from SI Ramesh 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.

The instant case being of recovery of 10.05 grams of Heroin, embargo provided under Section 37 NDPS Act is not applicable in the present case, the reason being aforesaid recovery comes under non-commercial quantity of contraband as per the provisions of NDPS Act.

In view of the above, as the petitioner is not required by the police for any further interrogation, no purpose is going to be served if petitioner is subjected to custodial interrogation, at this point of time. Thus without commenting on the merits of the case, the present petition is hereby allowed and order dated 18.5.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

19.12.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable?

Yes / No