

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22279-2022

Date of decision : 21.10.2022

Harmeet Singh

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Robin, Advocate, for
Mr. Lupil Gupta, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.21 dated 11.1.2022 registered under Sections 21 of NDPS Act at Police Station City Mandi Dabwali, District Sirsa.

Brief facts of the case are that the police apprehended co-accused Brij Lal and recovered 11 grams of Heroin from whom on 11.1.2022 and thereafter, the present petitioner was nominated as accused on the basis of some disclosure statement made by said Brij Lal.

Counsel for the petitioner submits that the present case is relating to recovery of non-commercial quantity of contraband and that too from co-accused Brij Lal and the petitioner has joined the investigation with the police by virtue of order dated 26.5.2022 passed by this Court.

State counsel on instructions from SI Suresh Kumar has

admitted the fact that the petitioner has joined the investigation with the

police and has not refuted the fact that the petitioner who was not named in the FIR was arraigned as accused on the basis of the disclosure statement made by co-accused Brij Lal from whom, 11 grams of Heroin was recovered by the police on 11.1.2022. State counsel further submits that the petitioner is not required by the police for any further investigation or custodial interrogation and is having no criminal history.

The instant case involves recovery of 11 grams of Heroin which comes under non-commercial quantity of contraband and as such, embargo provided in Section 37(1)(b) of NDPS Act is not attracted to the present case. Further, relevancy and veracity of the alleged disclosure made by co-accused Brij Lal against the petitioner is to be tested during the trial. The petitioner who has joined the investigation is not required by the police for any further investigation. Recovery has already been effected in this case.

In view of the above and without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 26.5.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

October 21, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No