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

CRM-M-23222-2022

Date of decision: 26.05.2022

SONU @ KULWINDER SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. N.K. Ganga, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition, cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.208 of 04.05.2022, registered at Police Station Sadar Sirsa, District Sirsa, wherein an offence constituted, under Section 21(b) of NDPS Act, is embodied.

2. From the alleged conscious, and, exclusive possession of co-accused one, Akashdeep @ Akash, the investigating officer concerned, recovered, at the crime site, heroin weighing 9.50 grams. The above principal accused also became arrested, at the crime site, and, during the course of his custodial interrogation, he disclosed to the investigating officer concerned, that the present bail petitioner was the supplier of the above recovered heroin.

3. Be that as it may, the present bail petitioner becomes the conspirator along with the above principal accused, and, would be tried along with him, qua the petition offence, by the learned trial Judge concerned. The learned State counsel on instructions meted to him, by SI

Ramphal submits, that the weight of the narcotic drug, as became recovered, at the crime site, is about 9.50 grams, thereupon, the above weight of the recovered narcotic drug, at the crime site, rather makes it fall within the ambit of small quantity thereof. Therefore, the rigors of Section 37 of the NDPS Act are not applicable thereons, hence the present bail petitioner becomes entitled to his being admitted to anticipatory bail.

4. The learned State counsel also opposes the indulgence of anticipatory bail being granted to the present bail petitioner, and, his above prayer is rested, upon the fact, that the present bail petitioner is a habitual offender, and, in case this Court proceeds to admit him, to anticipatory bail, thereupon there is every likelihood of his re-indulging in the commission of crime.

5. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the petitioner-bail applicant, necessarily as a measure to allay, the apprehension (supra), reared by the learned State counsel.

6. Consequently, the petition is allowed, and, in the event of the investigating officer concerned, proceeding to arrest the present bail petitioner, the investigating officer may not arrest the bail petitioner, however, subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into offences mentioned in the present FIR. In addition, he shall not tamper with prosecution evidence nor shall influence the prosecution witnesses. Further, subject to petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty

Magistrate concerned, that in case, he re-indulges in criminal activites, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, that, upon, his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

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26.05.2022

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Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No

(SURESHWAR THAKUR)
JUDGE