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

**CRM-M-24554-2022
Date of Decision: 16.11.2022**

Mahendra Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Deeraj Narula, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl.A.G., Haryana.

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.71, dated 25.03.2022, under Sections 15 & 29 NDPS Act, No.61 of 1985 registered at Police Station Ding, District Sirsa.

Learned counsel for the petitioner has submitted that in pursuance of the order passed by this Court on 31.05.2022, the petitioner has already joined investigation. He further submitted that in the present case the petitioner was nominated on the basis of the disclosure statement made by the co-accused from whom there was alleged recovery of 7.5 Kg. of poppy-husk which does not fall in the category of commercial quantity under the NDPS Act. He also submitted that the petitioner is not involved in any other case under NDPS Act. He further submitted that since the confiscated quantity from the co-accused does not fall in category of commercial quantity, the bar contained under Section 37 of the NDPS Act will not be applicable in the

present case. He further submitted that be that as it may, the petitioner has already joined the investigation in pursuance of the order passed by this Court on 31.05.2022 and has fully co-operated with the investigation process, and therefore, prayed that the interim bail granted to the petitioner may be confirmed.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana, on instructions from A.S.I. Chanan Singh, has stated that in pursuance of the order passed by this Court on 31.05.2022, the petitioner has joined investigation and he has fully cooperated with the investigation process and he is not required for custodial interrogation. He also submitted that it is correct that the confiscated quantity from the co-accused does not fall under the commercial quantity and that the petitioner is not involved in any other case under NDPS Act.

I have heard the learned counsel for the parties.

The petitioner was nominated on the basis of the disclosure statement of co-accused from whom there was alleged recovery of 7.5 kg of poppy husk which does not fall in the category of commercial quantity. The petitioner is stated to be not involved in any other case under the NDPS Act.

In view of the specific stand taken by the learned State Counsel, the present petition is allowed and the order dated 31.05.2022 is hereby made absolute.

16.11.2022
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(JASGURPREET SINGH PURI)
JUDGE

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