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

CRM-M-25942-2022

Date of decision:09.08.2022

DALJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Rajbir Singh, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., seeking the indulgence of anticipatory bail to the petitioner.

2. In FIR bearing No. 182 of 5.5.2022, registered at Police Station City Barnala, District Barnala, offences constituted under Sections 21, 25, 27, 29 of the NDPS Act, 1985, are embodied.

3. At the crime site, from the purported conscious, and, exclusive possession of one Gurwinder Singh @ Ginda, and, from one Harmandeep Singh, 30 grams of heroin became recovered, by the investigating officer concerned. The inculcation drawn against the present petitioner becomes anvil, upon a disclosure, being made by the above principal offenders, wherein they disclosed, that out of 30 grams of heroin, as became allegedly recovered from their purported conscious, and, exclusive possession, 10 grams of heroin was purchased by them from the present petitioner. Therefore, the present petitioner becomes the supplier of the recovered contraband, at the site of occurrence, at the instance of the principal offenders, and, also becomes amenable for his being tried along with them qua the petition FIR, his being a conspirator along with

them in the petition crime.

4. Be that as it may, the learned State counsel, on instructions given to him by the investigating officer concerned, submits, that the weight of the above recovered seizure makes it fall within the ambit of non-commercial quantity. Therefore, the rigors of Section 37 of the NDPS Act, are not applicable thereon. Hence, the indulgence of anticipatory bail is to be accorded, to the bail applicant-petitioner. Moreover, also when no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to anticipatory bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence.

5. In summa the instant petition is allowed, and, the order as made, by this Court, on 07.06.2022, is made absolute on the same terms and conditions. In the event of his arrest, he may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering cooperation to the investigating officer, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

6. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

7. The petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

August 09, 2022
Ithlesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No