

205 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30894 of 2021(O&M)
Date of Decision: 09.12.2022

Gurpreet Singh @ Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. A.S. Manaise, Advocate
For the petitioner.
Mr. C.L. Pawar, Addl. AG Punjab.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 19 dated 26.02.2021, registered under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act (for brevity, the Act) and Section 25 of Arms Act at Police Station Sekhwan, Police District Batala, District Gurdaspur.

The counsel for the petitioner submits that the petitioner was not named in the FIR which was registered against co-accused Ajay Masih from whom police recovered 55 grams 300 milligrams of heroin and thereafter on the disclosure made by Ajay Masih, Bunty and Sajanpreet were arrested and 43 grams of heroin was recovered from their possession and then Robin was arrested with country made pistol and two live cartridges and thereafter names of Vijay Masih and Ranjit Singh @ Jeetu surfaced and from Ranjit Singh @ Jeetu 30 grams of heroin and cash was recovered and thereafter Harvinder Singh who was already lodged in jail was also

nominated as accused and his sister Rajwinder Kaur was arrested and Rs.5,50,000/- of drug money was recovered from her house and finally the name of petitioner who is husband of said Rajwinder Kaur also surfaced. The counsel for the petitioner further submits that in pursuance to the order dated 04.08.2021 passed by the coordinate Bench the petitioner has joined the investigation and that the petitioner is having no criminal history.

The State counsel on instructions from ASI Baljit Singh has not disputed the fact that the petitioner joined the investigation with the police and that the present case is relating to recovery of 128 grams of heroin and drug money worth Rs.6,20,150/- and no recovery is effected from the petitioner and further the petitioner, who is having no criminal antecedents, is not required by the police for any further investigation.

I have considered the submissions made by counsel for the parties.

The present case being relating to recovery of 128 grams of heroin which comes under non-commercial quantity, the rigors of Section 37 of the Act are not applicable. The recoveries have already been effected in this case and the petitioner who is having no criminal history is not required by the police for any further investigation.

In view of the above, instant petition is allowed. Order dated 04.08.2021 granting ad interim bail to the petitioner is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

However, any observation made in herein above is not to be construed as an opinion on the merits of the case.

09.12.2022

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**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No**