

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-28370-2022

Date of decision : 9.11.2022

Balwinder Singh alias Kala Singh

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Saurav Sharma, Advocate, for
Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.157 dated 5.4.2022 registered under Section 17 of NDPS Act at Police Station Sadar Fatehabad, District Fatehabad.

Counsel for the petitioner submitted that the petitioner has joined the investigation in compliance of order dated 7.7.2022 passed by this Court. State counsel on instructions from ASI Rahul has admitted the aforesaid fact that the petitioner has joined the investigation and further stated that he is not required by the police for further investigation or custodial interrogation. He further submits that the petitioner is having no criminal history.

State counsel has also not disputed the fact that the petitioner was not named in the FIR and was nominated as accused on the basis of the

whom, 250 grams of Opium was recovered while they were travelling on a motorcycle.

The aforesaid recovery of 250 grams of Opium comes under non-commercial quantity of contraband as per provisions of NDPS Act and thus, rigors of Section 37 of NDPS Act are not attracted to the case in hand. Further, the petitioner who is having no criminal antecedent has already joined the investigation with the police and is not required by the police for any further investigation.

In view of the above, the present petition is allowed and order of interim bail dated 7.7.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

November 9, 2022
Paritosh Kumar

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