

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

CRM-M-35502-2022
Date of Decision:-**30.09.2022**

HARWINDER SINGH @ SONU

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Ram Kumar Chauhan, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.83 dated 22.7.2022 registered under Sections 15/29 of NDPS Act at Police Station Chabbewal, District Hoshiarpur, who was not named in the FIR and was nominated as an accused on the basis of disclosure statement made by co-accused.

As per the allegations, Sukhwinder Kaur was apprehended by the police with 1.25 kg poppy husk on 22.7.2022, who disclosed that the said poppy husk was supplied to her by her husband namely Narinder Pal.

Thereafter Narinder Pal was arrested by the police, who disclosed that the aforesaid poppy husk was provided to him by the present petitioner.

Counsel for the petitioner submits that the petitioner has joined investigation with the police by virtue of previous order dated 10.8.2022 passed by the Coordinate Bench of this Court.

State counsel on instructions from ASI Rajinder Singh has not refuted the aforesaid assertions made by counsel for the petitioner and submits that petitioner who has associated with the investigation is not required by police for further investigation or for custodial interrogation.

Undoubtedly, the aforesaid quantity of poppy husk weighing 1.25 kg falls under non-commercial quantity and as such rigors of Section 37(1)(b) of NDPS Act are not applicable to the case of the petitioner, who has already joined investigation with the police and is having no criminal antecedents.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 10.08.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

30.09.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No