

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5186-2023
Date of Decision:-17.04.2023

YASHPAL

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Lakhwinder Singh Lakhanpal, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.5
dated 5.1.2023 registered under Sections 22 and 29 of NDPS Act, at Police
Station Makhu, District Ferozepur.

The allegations in brief are that the police apprehended co-
accused Daljit Singh and recovered 74 strips each containing 10 tablets of
Alprazolam from him. After his arrest co-accused Daljit Singh made
disclosure statement against the present petitioner and accordingly the
present petitioner was named in the present case.

The counsel for petitioner interalia contends that report of FSL has been received, as per which non-commercial quantity of contraband has been recovered from Daljit Singh. The counsel further submits that the petitioner who is having no criminal history has joined investigation with the police.

The State counsel on instructions from ASI Lakhwinder Singh submits that report of FSL has been received and the recovery of contraband effected from co-accused Daljit Singh comes under non-commercial quantity. The State counsel further apprised the Court that the petitioner has joined investigation with the police and is not required by police for further investigation or for custodial interrogation.

The recovery in the instant case being of non-commercial quantity of contraband, does not come under the ambit of Section 37 of NDPS Act. Further the veracity and admissibility of disclosure made by co-accused Daljit Singh will be tested during trial. The petitioner is having no criminal history and furthermore the petitioner is not required by the police for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 2.2.2023 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

17.04.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No