

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-23975-2022 (O&M)

Date of decision : 13.3.2023

Happy

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.S.Sarwara, Advocate, for
Mr. SPS Chakkal, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.105 dated 9.3.2022 registered under Sections 20 of NDPS Act at Police Station Sector 14, District Panchkula.

The allegations in nutshell are that the police recovered 695 grams of *ganja* from co-accused Arun Kumar who further disclosed that he procured the same from the present petitioner and consequently, the present petitioner was named as accused.

Counsel appearing on behalf of the petitioner submits that by virtue of the previous order of interim bail, the petitioner has joined the investigation with the police. He further apprised the Court that the petitioner is not involved in any other case under NDPS Act.

State counsel on instructions from ASI Mahi Pal has not refuted

the aforesaid assertions made by the counsel for the petitioner and further

submits that the petitioner is not required by the police for further investigation or custodial interrogation.

695 grams of *ganja* which is stated to be recovered from co-accused Arun Kumar comes under non-commercial quantity and thus, embargo provided under Section 37 of NDPS Act is not attracted to the instant case. Further, the alleged disclosure made by co-accused Arun Kumar against the present petitioner is to be tested during the trial. Furthermore, the petitioner is not involved in any other case under NDPS Act.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 30.5.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

March 13, 2023

Paritosh Kumar

(KARAMJIT SINGH)
JUDGE

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