

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-32335-2022 (O&M)

Date of decision : 22.2.2023

Gurjit Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Paras Khindri, Advocate with
Mr. Harjinder Singh, Advocate,
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.44 dated 18.6.2022 registered under Sections 22, 29 of NDPS Act at Police Station Kabirpur (Ahlikalan), District Kapurthala.

The allegations in nutshell are that the police recovered 290 tablets of Alprazolam from co-accused Sukhdev Singh who further disclosed the name of the present petitioner and accordingly, the petitioner is named as accused in the present case.

Counsel for the petitioner *inter alia* contends that the petitioner is having no criminal history and recovery effected from his co-accused Sukhdev Singh comes under non-commercial quantity and that relevance of the disclosure made by co-accused Sukhdev Singh is subject matter of trial.

He further submits that the petitioner has joined the investigation with the

police in compliance of previous order dated 27.10.2022.

Reply filed by way of affidavit of Sukhwinder Singh, DSP, Sub Division Sultanpur Lodhi, District Kapurthala on behalf of the State is ordered to be taken on record. State counsel on instructions from SI Manjinder Singh apprised the Court that the petitioner has joined the investigation with the police and that the aforesaid recovery of 290 tablets each weighing 160 mg comes under non-commercial quantity having total weight 46 grams and 400 miligrams and further submits that the petitioner is not required by the police for any further investigation and that the petitioner is having no criminal antecedents.

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

The alleged disclosure made by co-accused/Sukhdev Singh will be tested during the trial. Further, recovery of 290 tablets of Alprazolam being of non-commercial quantity is not covered under the embargo provided under Section 37 of NDPS Act. Apart from this, the petitioner is having no criminal history and is not required by the police for further investigation or custodial interrogation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 27.10.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

February 22, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No