

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-33726-2022 (O&M)

Date of decision : 23.2.2023

Deeraj @ Chamiya

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ankush Kamboj, Advocate, for
Mr. Satbir Gill, 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.504 dated 24.6.2022 registered under Sections 21, 29 of NDPS Act at Police Station City Sirsa, District Sirsa.

The allegations in nutshell are that the police apprehended co-accused Bunty and recovered 6 grams of Heroin from him and Bunty further disclosed that he procured the said Heroin from the present petitioner and resultantly, the petitioner was named as accused.

Counsel for the petitioner *inter alia* contends that the petitioner, who is having no criminal history, has joined the investigation with the police in compliance of previous order dated 2.8.2022.

State counsel on instructions from ASI Mukesh Kumar has not disputed the fact that only 6 grams of Heroin that comes under non-commercial quantity, was recovered from co-accused Bunty who further

disclosed that he purchased the same from the present petitioner. He further submits that the petitioner, who is having no criminal history, has joined the investigation with the police and is now not required for further investigation or custodial interrogation.

Recovery of 6 grams of Heroin from co-accused Bunty falls under non-commercial quantity and thus, is not covered under embargo provided under Section 37 of NDPS Act. Further, the petitioner is having no criminal history and is not required by the police any more for the purpose of investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 2.8.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

February 23, 2023
Paritosh Kumar

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