

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-37499-2022 (O&M)

Date of decision : 11.1.2023

Krishan Kumar alias Krishan Gujjar

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Dheeraj Narula, 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.558 dated 17.7.2022 registered under Sections 21 of NDPS Act at Police Station City Sirsa, District Sirsa.

As per allegations appearing on record, the police apprehended co-accused Rishi @ Babbar and recovered 8.12 grams of Heroin from him on 17.7.2022 and he disclosed the name of the present petitioner to be the person from whom he procured 10 grams of Heroin and resultantly, the present petitioner was named as accused.

On the last date of hearing, the petitioner was granted interim bail and was directed to join the investigation with the police by Coordinate Bench of this Court. Today, counsel for the petitioner apprised the Court that the petitioner, in compliance of previous order, has joined the investigation with the police. State counsel on instructions from ASI

Mohinder Singh 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.

Present case being relating to recovery of 8.12 grams of Heroin and that too from co-accused Rishi @ Babbar, is not covered under the provisions of Section 37 of NDPS Act. Further, relevance of the alleged disclosure made by co-accused Rishi @ Babbar will be tested during the trial and further, the petitioner is having no criminal history and is not required by the police for purpose of further investigation, thus, no purpose is going to be served even if the petitioner is subjected to custodial interrogation at this point of time.

In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 24.8.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

January 11, 2023
Paritosh Kumar

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