

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-38096-2022 (O&M)

Date of decision : 27.3.2023

Gurpreet Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. BBS Randhawa, Advocate, for
Mr. PKS Phoolka, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.105 dated 9.7.2022 registered under Sections 21(a), 29 of NDPS Act at Police Station Sadar Bathinda, District Bathinda.

The allegations in nutshell are that the police apprehended co-accused Malkiat Kaur and recovered 5 grams of Heroin and ₹ 20,000/- from her on 9.7.2022 and there are further allegations that at the time of the said recovery, the petitioner succeeded in escaping from the spot.

Counsel for the petitioner submits that the petitioner, who is having no criminal history, has joined the investigation with the police on the basis of previous order dated 26.8.2022.

State counsel on instructions from ASI Amarjit Singh apprised the Court that in the present case, non-commercial quantity of contraband and drug money worth ₹ 20,000/- were recovered from co-accused Malkiat

Kaur while another 6 grams of Heroin was recovered from the raided premises and the said contraband also comes under non-commercial quantity. He further submits that the petitioner has joined the investigation and the police has presented the challan and now the petitioner is not required by the police for further investigation or custodial interrogation.

As the present case involves recovery of non-commercial quantity of contraband, embargo provided under Section 37 of NDPS Act is not applicable and further, 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 allowed and order of interim bail dated 26.8.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

March 27, 2023
Paritosh Kumar

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