

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41181-2022
Date of Decision:-**30.01.2023**

GURDEV

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Vikas Gulia, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.428 dated 26.7.2022 registered under Sections 20/29 of NDPS Act at Police Station Industrial Sector-29 District Panipat.

The allegations in nut shell are that the police apprehended co-accused Narinder @ Golu and recovered 6 kgs of Ganja from him on 26.7.2022 and the name of the present petitioner surfaced in the disclosure statement made by said co-accused. The petitioner who is apprehending his arrest has filed the present petition seeking grant of anticipatory bail and on

the last date of hearing the petitioner was granted interim anticipatory bail with direction to join investigation.

The counsel for the petitioner has apprised the Court that in compliance of previous order, the petitioner has joined investigation with the police and further he is having no criminal history.

The State counsel on instructions from SI Inder 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 for custodial interrogation.

The present case is of recovery of 6 kgs of Ganja that too from co-accused Narinder @ Golu and as such rigors of Section 37 of NDPS Act are not applicable in the present case, the recovery being covered under non-commercial quantity under the provisions of NDPS Act. The petitioner, who has already joined investigation and is having no criminal history, is not required by the police for any further investigation or for custodial interrogation as per statement so suffered by the State counsel.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 13.9.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

30.01.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No