

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-45009-2022 (O&M)

Date of decision : 12.1.2023

Gurvinder Kumar

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manvinder Sidhu, 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.782 dated 14.9.2022 registered under Sections 17 and 29 of NDPS Act at Police Station Sirsa City, District Sirsa.

Brief facts of the case are that the petitioner was nominated as accused on the basis of the alleged disclosure made by co-accused Virender @ Veeru, from whom, the police recovered 200 grams of Opium on 14.9.2022.

On the last date of hearing, detailed order was passed whereby the petitioner was granted interim bail and was directed to join investigation with the police. Today, counsel for the petitioner informed the Court that in compliance of the aforesaid order of interim bail, the petitioner joined the investigation with the police.

Reply filed by way of affidavit of Sadhu Ram, DSP, HQ, Sirsa,

District Sirsa along with Annexures R-1 to R-3 on behalf of the State is

ordered to be taken on record.

State counsel on instructions from ASI Jagpal Singh has not refuted the aforesaid assertions made by the counsel for the petitioner and further submits that the petitioner who is having no criminal history and cooperated with the police, is not required by the police for further investigation or custodial interrogation.

Present case being relating to recovery of 200 grams of Opium is not covered by the rigors of Section 37 of NDPS Act and further, admissibility of the alleged disclosure made by co-accused Virender @ Veeru against the present petitioner is a debatable issue and is to be decided during the trial and further, the petitioner is having no criminal history. So, no useful 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 28.9.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

January 12, 2023
Paritosh Kumar

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