

2023:PHHC:049430

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 208

CRM-M-47087-2022
Date of Decision:-11.04.2023

REHMAT

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. K.B. Sidhu, Advocate for,
Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Naveen K. Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in case having FIR No.0497, dated 16.09.2022, Police Station City Fatehabad, District Fatehabad, Under Sections 21(b), 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985.

The allegations in a nutshell are that co-accused Shamsher Ali @ Shera was apprehended by the police along with 15 grams of Heroin and on his arrest said Shamsher Ali @ Shera made disclosure statement to the fact that he purchased the said contraband from the present petitioner.

On the last date of hearing, the petitioner was granted interim bail with a direction to join the investigation with the police, by the Coordinate Bench of this Court.

The counsel for the petitioner submits that the petitioner has joined the investigation with the police in compliance of the aforesaid order of interim bail. The counsel for the petitioner has also apprised the Court that the petitioner has no criminal history.

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Learned State counsel on instructions from SI Sushil Kumar has not disputed the aforesaid assertions made by the counsel for the petitioner.

Apparently, rigors of Section 37 NDPS Act are not attracted to the recovery of 15 grams of Heroin, alleged to be effected from co-accused Shamsher Ali @ Shera. Further the petitioner is having no criminal antecedents.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order of interim bail dated 14.10.2022 is hereby made absolute, subject to the conditions envisaged under Section 438 (2) Cr.P.C. Further, the petitioner should appear before the trial Court on each and every date of hearing

11.04.2023
yogesh

(KARAMJIT SINGH)
JUDGE

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