

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-58117-2022 (O&M)

Date of decision : 13.3.2023

Kulwant Singh

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. D.S.Virk, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.517 dated 17.11.2022 registered under Sections 21(b) of NDPS Act at Police Station Ellenabad, District Sirsa.

The allegations in nutshell are that the police arrested Kalu Ram and Devi Lal and recovered 6 grams of Heroin from them on 17.11.2022 and thereafter, both of them made disclosure statement that they purchased the said contraband from the present petitioner and consequently, the petitioner was arraigned as accused.

Counsel for the petitioner submitted that the petitioner has joined the investigation in compliance of the previous order of interim bail. He further submits that the petitioner is also involved in 3 other cases under NDPS Act but in all the said 3 cases, he is granted bail.

State counsel on instructions from SI Naresh submits that the

petitioner, who has joined the investigation with the police, is not required

for further investigation or custodial interrogation by the police. She has also not disputed the fact that in another 3 cases registered against the petitioner under NDPS Act, he has been granted benefit of bail.

Recovery of 6 grams of Heroin from co-accused Kalu Ram and Devi Lal comes under non-commercial quantity and as such, is not covered under the provisions of Section 37 of NDPS Act 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 14.12.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

March 13, 2023
Paritosh Kumar

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