

2023:PHHC:073438

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 208

CRM-M-58473-2022

Date of Decision:-19.05.2023

SUNIL KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- None for the petitioner.

Mr. C.L. Pawar, Addl. A.G. Punjab.

KARAMJIT SINGH, J. (ORAL)

Prayer is for grant of anticipatory bail in case having FIR No.529 dated 27.05.2022 registered under Sections 20/29 of NDPS Act at Police Station Shahabad, District Kurukshetra.

The allegations in nutshell are that police apprehended Upender Singh along with 20kg of ganja on 27.05.2022 and thereafter, the said Upender Singh made disclosure statement that said contraband was supplied to him by the petitioner and consequently, the petitioner was nominated as an accused.

This Court vide detailed order dated 15.12.2022 had granted interim bail to the petitioner with direction to join the investigation.

Today the learned State counsel on instructions from SI Balbir Singh has apprised the Court that by virtue of aforesaid order, the petitioner has joined the investigation with the police and is not required for the purpose of further investigation or custodial interrogation by the police.

The veracity and admissibility of the disclosure statement alleged to be suffered by Upender Singh against the petitioner will be tested during trial. Further, the aforesaid 20 kg of ganja comes under non-commercial quantity and thus, is not covered under the strict provisions of Section 37 of NDPS Act. Furthermore, the petitioner is having no criminal history and 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 hereby allowed and order dated 15.12.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

19.05.2023
yogesh

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No