

CRM-M-2239-2024

Date of decision : 11.03.2024

GURMEET SINGH ALIAS MOMI

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. S.S. Momi, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.375 dated 12.12.2023 registered under Sections 18/61/85 of Narcotic Drugs and Psychotropic Substances Act at Police Station City Pehowa Kurukshetra, District Kurukshetra.

2. The allegations in nutshell are that FIR in this case was registered against co-accused Budh Ram from whom police recovered 95 grams of Opium on 12.12.2023, which comes under non commercial quantity of contraband.

3. The petitioner was nominated as accused on the basis of alleged disclosure statement made by co-accused Budh Ram.

4. The petitioner was granted interim bail by this Court vide detailed order dated 16.01.2024 with direction to join the investigation with the police.

5. Today counsel for the petitioner apprised the Court that

Petitioner has joined the investigation with the police, in compliance of

the aforesaid order. He further apprised the Court that the petitioner is having no criminal antecedents and that the alleged disclosure statement made by co-accused will be tested during trial.

6. Learned State counsel on instructions from SI Surinder has not refuted the fact that petitioner joined the investigation with the police and further submits that the petitioner who is having no criminal history is not required for any further investigation or custodial interrogation by the police.

7. The recovery which is stated to be effected from co-accused Budh Ram comes under non commercial quantity and thus stringent provisions of Section 37 of the NDPS Act are not attracted to the case of the petitioner. Further admissibility and veracity of disclosure statement made by co-accused against the petitioner is subject matter of trial.

8. In view of the above, without expressing any opinion on the merits of the case the present petition is allowed and order of interim bail dated 16.01.2024 is hereby made absolute and the petitioner is to abide by the conditions as envisaged under Section 438(2) Cr.P.C.

11.03.2024

Priyanka Thakur

Whether speaking/reasoned

Whether reportable

(KARAMJIT SINGH)

JUDGE

Yes/No

Yes/No