

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(207)

CRM-M-3929-2024
Date of decision : 02.04.2024

Javed

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Davneet Sangwan, Advocate for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.188 dated 17.08.2022 registered under Sections 21B and 29 of NDPS Act at Police Station Farakpur (Yamuna Nagar).

The allegations in nutshell are that the police arrested co-accused Rajat and recovered 10 grams of Heroin from him on 17.08.2022, Thereafter, said Rajat made disclosure statement against co-accused Gurmeet Singh, who further made disclosure against Amandeep Singh alias German, who further made disclosure against present petitioner Javed.

On the last date of hearing, a detailed order was passed by this Court whereby the petitioner was granted interim bail with a direction to join the investigation with the police.

Today, the counsel appearing on behalf of the petitioner submits that by virtue of the aforesaid interim order, the petitioner has joined the investigation with the police. It is further submitted that the petitioner is having no criminal history and that the rigors of Section 37 of the NDPS Act are not applicable, as the alleged recovery of 10 grams of Heorin effected from co-accused Rajat, falls under the non-commercial quantity of contraband as per

the provisions of NDPS Act.

State counsel on instructions from Inspector Ravi Kant submits that the petitioner has joined the investigation with the police and is not required for any further investigation or custodial interrogation by the police. State counsel has also not refuted the fact that the the petitioner is having no criminal history and the alleged recovery effected from co-accused Rajat falls under the non-commercial quantity of contraband.

Admittedly, the petitioner was not named in the FIR and was nominated as accused on the basis of disclosure statement mady by co-accused Amandeep Singh alias German and the relevancy and admissibility of any such disclosure statement would be tested during trial. In the given circumstances, 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 24.01.2024 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

02.04.2024
Anjal*

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