

CRM-M-4174-2024
Date of decision :25.04.2024

RAJESH KUMAR ALIAS GAGGU

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. D.S. Virk, 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.251 dated 27.09.2023 registered under Sections 21(b)/61/85 of NDPS Act at Police Station Ding, District Sirsa.

2. The case is relating to recovery of 7 grams of heroin from co-accused Rajesh @ Gholra. The petitioner was nominated as accused on the basis of disclosure statement made by said co-accused against him.

3. On the last date of hearing, petitioner was granted interim bail with direction to join investigation with the police.

4. Counsel for the petitioner submits that by virtue of the aforesaid interim order petitioner has joined investigation with the police.

5. State counsel on instructions from Inspector Ashok Kumar has not refuted the aforesaid assertions made by counsel for the petitioner and further submits that petitioner is not required by the police for further investigation.

6. The recovery of 7 grams of heroin stated to be effected from co-accused Rajesh @ Gholam comes under non-commercial quantity and is not covered under rigors of Section 37 of NDPS Act. Further admissibility and veracity of the alleged disclosure statement made by co-accused against the present petitioner is subject matter of trial.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and order of interim bail dated 12.02.2024 passed by this Court is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

25.04.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

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