

212
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9189-2024
Date of decision: 26.04.2024

Aman Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abhishek Thakur, Advocate for
Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. This is the second petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case having FIR No.5 dated 21.01.2024 registered under Sections 21 and 29 of NDPS Act at Police Station City Fazilka, District Fazilka.
2. The allegations in nutshell are that police recovered 20 grams of heroin from co-accused Aman son of Tek Chand and Rahul on 21.01.2024 and thereafter, petitioner was nominated as accused on the basis of disclosure statement suffered by co-accused Aman son of Tek Chand. Apprehending his arrest, the petitioner has filed the present petition.
3. On the last date of hearing, petitioner was granted interim bail with direction to join investigation with the police, in light of the fact that aforesaid recovery of 20 grams comes under non commercial quantity and

as such rigors of Section 37 of NDPS Act being not applicable to the said recovery.

4. Counsel appearing on behalf of the petitioner submits that in compliance of the previous order, petitioner has joined investigation with the police and that petitioner is having no criminal history under NDPS Act.

5. The State counsel on instructions from ASI Gurmel Singh has not disputed the aforesaid assertions made by the counsel for petitioner and further submits that petitioner is not required for any further investigation by the police in the present case.

6. In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed and order of interim bail dated 21.02.2024 is made absolute. The petitioner is to abide by the conditions as are provided in Section 438 (2) Cr.P.C.

26.04.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No