

CRM-M-22382-2024

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-22382-2024

Date of decision: 11.07.2024

Mosin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Navmohit Singh, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of anticipatory bail in case having FIR No.79 dated 22.02.2024, under Section 21 of NDPS Act (Section 29 NDPS Act added later on), Police Station Ladwa, District Kurukshetra which was registered against co-accused Ashok @ Kuku from whom police recovered 7.80 gm of heroin on 22.02.2024.

2. As per prosecution version, the present petitioner was nominated as accused on the basis of disclosure statement suffered by aforesaid Ashok @ Kuku, during investigation of the case.

3. Counsel appearing on behalf of the petitioner submits that the recovery effected in the present case comes under non commercial quantity and thus, is not covered rigors of Section 37 NDPS Act and further the petitioner has already joined investigation with the police and furthermore, the petitioner is having no criminal history.

4. The State counsel who is assisted by SI Mahender Singh, Investigating Officer submits that the petitioner has joined investigation with the police in compliance of the previous order and is not required for any further investigation or custodial interrogation by the police. The State

counsel has not disputed the fact that the petitioner is having no criminal antecedents and the present case is relating to recovery of non commercial quantity of contraband that too from possession of co-accused Ashok @ Kuku.

5. In the given circumstances, it appears that provisions of Section 37 NDPS Act are not attracted to the present case which is relating to recovery of 7.80 gm of heroin from co-accused Ashok @ Kuku and the said contraband comes under non commercial quantity as per the provisions of NDPS Act. The petitioner who has joined investigation with the police is not required for any further investigation and furthermore, the petitioner is not involved in any other criminal case as has been admitted by the State counsel.

6. In light of the above, this Court is of the view that no purpose is going to be served even if the petitioner is subjected to custodial interrogation at this stage.

7. For the foregoing reasons, without expressing any opinion on the merits of the case, the present petition is allowed and interim order dated 06.05.2024 is hereby made absolute. However, the petitioner is to abide by the conditions as are provided in Section 438 (2) Cr.P.C.

11.07.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No