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

CRM-M-23392-2024 (O&M)

Date of Decision:- 18.07.2024

Gaurav

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Saurabh Sharma, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner Gaurav has filed petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 395 dated 24.06.2023 under Section 21 of Narcotics Drugs & Psychotropic Substances Act, 1985 (Section 29 NDPS Act added lateron), registered at Police Station Shahabad, District Kurukshetra.

2. As per the facts of case, ASI Sudhir Kumar along with police party was on patrol duty and they stopped at Shahbad-Barara road near wall of Sangat Farm. At about 08:15 PM, one young boy was spotted who on seeing the police party started walking briskly towards colony. He was apprehended on the basis of suspicion. His search was conducted as per rules and from the right pocket of his capry, one polythene bag containing brown coloured solid substance was recovered which appeared to be

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Heroine/Smack. The contraband was weighed which came out to be 6.65 Grams of Heroine/Smack. With these allegations, present FIR was registered.

3. Learned counsel for petitioner argued that he was not apprehended on the spot. Main accused Sajjan named Ashwani @ Mattu who in his disclosure statement had further named the present petitioner. He has joined the investigation and is not required for any other purpose. Therefore, his *interim* bail granted vide order dated 10.05.2024 may be confirmed.

4. Learned counsel representing the State on the instructions of SI Dharamvir, No. 761, Kurukshetra confirmed that petitioner has joined the investigation and he is not required for any other purpose.

5. Considering the aforesaid facts that petitioner was not apprehended on the spot, he was named by co-accused and the fact that he is not required for any other purpose, *interim* bail already granted in favour of petitioner Gaurav vide order dated 10.05.2024 stands confirmed, subject to conditions as enshrined under Section 438(2) Cr.P.C.

6. Petition is accordingly allowed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

18.07.2024

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(AMARJOT BHATTI)
JUDGEWhether speaking/reasoned:
Whether reportable:Yes/No
Yes/No