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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37903-2024

Date of Decision:- 14.11.2024

SUNNY

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kamal Narula, Advocate for petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner Sunny has filed instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.59 dated 17.02.2020 under Sections 21/29/61/85 of NDPS Act registered at Police Station City Faridkot, District Faridkot (Annexure P-1).

2. As per facts of the case, on 17.02.2020 Investigating Officer along with police party was on routine patrolling and at about 4.10 pm they were checking suspected persons when they received secret information and on that basis apprehended Sanjeev Kumar from whose possession 10.07 grams heroin was recovered. Present petitioner was also named by co-accused Sanjeev Kumar in disclosure statement and on that basis he was also involved in the present case.

3. Learned counsel for petitioner argued that he was granted interim bail vide order dated 06.08.2024 and in pursuance of this order, he has already joined the investigation. No recovery is to be effected from

him. He is ready to join the investigation as and when required.

4. Status report filed. Bail application is opposed on the ground that present petitioner is earlier involved in five cases as detailed in para No.9 of the status report. He was specifically named by co-accused Sanjeev Kumar. Considering his antecedents, he is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. Present petitioner was named by main accused Sanjeev Kumar from whose possession non-commercial quantity of contraband/heroin was recovered. It is confirmed by learned counsel representing State that Sanjeev Kumar has been granted regular bail. Present petitioner has already joined investigation on 07.08.2024 and no recovery was effected from him.

6. Considering the aforesaid factual position, anticipatory bail application filed by petitioner is allowed and the interim bail already granted vide order dated 06.08.2024 stands confirmed subject to the conditions detailed under Section 438 (2) Cr.P.C.

(AMARJOT BHATTI)
JUDGE

14.11.2024

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No