

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-58954-2023 (O&M)
Date of decision : 16.1.2024

Balvir Singh alias Babli
... Petitioner

VERSUS

State of Punjab
... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Narinder S. Lucky, Advocate,
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.58 dated 27.9.2023 registered under Sections 15 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Rureke Kalan, District Barnala.

2. FIR in this case was registered against co-accused Budh Singh on the ground that 7 kg. of poppy husk was recovered from his possession by the police on 27.9.2023. Thereafter, the present petitioner was named as accused on the basis of the alleged disclosure made by aforesaid Budh Singh to the effect that he bought the aforesaid contraband from the present petitioner. The petitioner apprehending his arrest, has filed the present petition under Section 438 of Cr.P.C.

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

4. Counsel for the petitioner apprised the Court that by virtue of

the aforesaid order, the petitioner has joined the investigation with the police.

5. Status report by way of affidavit of Manavjit Singh Sidhu, DSP, Sub Division Tapa, District Barnala filed on behalf of the State is ordered to be taken on record along with copy of report of FSL (Annexure R-1).

6. State counsel on instructions from ASI Ranjit Singh has not refuted the aforesaid assertions made by the counsel for the petitioner and further submits that the petitioner is not required by the police for further investigation or custodial interrogation. He has also not disputed the fact that recovery effected from co-accused Budh Singh being of non-commercial quantity, rigors of Section 37 of NDPS Act are not applicable to the instant case and further, the petitioner is having no criminal history.

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 23.11.2023 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

January 16, 2024
Paritosh Kumar

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