

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-61510-2023
Date of decision: 15.02.2024

SAHIL
Versus
....Petitioner

STATE OF HARYANA
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Himani Anand, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

On the last date of hearing i.e on 07.12.2023, the following order was
passed:-

- "1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.26 dated 24.01.2023, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at P.S. Ladwa, District Kurukshetra.*
- 2. The allegation, as levelled in the FIR, is that, on the basis of a secret information, on 24.01.2023, co-accused Deepak Kumar was apprehended by a police party for keeping 7 grams of heroin/smack in his conscious possession, without any permit or licence.*
- 3. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the name of the petitioner has surfaced as an accused in the instant case, merely on the basis of a disclosure statement, as suffered by co-accused Deepak Kumar. Except the disclosure statement (supra), there is no cogent evidence on record to substantiate the allegation that the petitioner had sold 10 grams of heroin/smack to coaccused Deepak Kumar, out of which, 7 grams was recovered by the police. Moreover, the said allegedly recovered contraband is marginally higher than the prescribed "small quantity".*

4. *Upon revelation being made by the record available before this Court, qua the petitioner being involved in another case of similar nature, the learned counsel for the petitioner submits that in the said case also, nothing was recovered from the petitioner, rather a marginally higher quantity, i.e. 6.10 grams, than the prescribed “small quantity” of heroin, was recovered from co-accused Deepankar Sethi.*

5. *Considering the fact that the recovery of contraband in the present case was effected from co-accused, besides the quantity of recovered contraband being marginally higher than the prescribed “small quantity”, this Court deems it appropriate to grant the relief asked for to the petitioner.*

6. *Notice of motion for 15.02.2024.*

7. *Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.*

8. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."*

Learned counsel for the petitioner submits that in pursuance of the order dated 07.12.2023, the petitioner had joined the investigation.

Learned State counsel, on instructions from ASI Mohinder, submits that the petitioner had joined the investigation and he is not required for any further custodial interrogation.

In view of the statement made by learned State counsel, the interim order dated 07.12.2023, is hereby made absolute.

15.02.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No