

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

**Criminal Misc. No.M-32439 of 2016**  
**Date of Decision: 30.09.2016**

Rajesh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA**

Present:- Mr. Jitender Dhanda, Advocate  
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.  
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**HARI PAL VERMA, J. (Oral)**

Prayer in this petition filed under Section 438 CrPC is for grant of anticipatory bail in FIR No.134 dated 8.8.2016 under Sections 15/16 of the NDPS Act registered at P.S. City N.S. Chopta.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He was neither arrested from the spot nor recovery was made from him. The prosecution has concocted a false story to implicate him on the basis of confession made by Mukesh Kumar and Subhash, i.e. the co-accused, in police custody. Even the vehicle involved in the case does not belong to the petitioner. He further submits that the co-accused of the petitioner have been admitted on regular bail by the trial Court.

On the other hand, learned State counsel has argued that the petitioner is involved in the case and was driving the Scorpio vehicle. The police party when signaled the Scorpio vehicle to stop, two persons were found sitting on the middle row seat of the car and a yellow coloured plastic katta (gunny bag) was found placed between them. These persons were brought down from the vehicle and one of them told his name as Mukesh Kumar son of Bhagat Singh, Caste Jat, resident of Kheri and the other accused told his name as Subhash son of Ram Kumar, Caste Nai, resident of Kheri. They were found in possession of 20 kg. of poppy husk. On enquiry from the co-accused Mukesh and Subhash about the recovered poppy husk, they disclosed that the poppy husk was purchased by them from the driver of the vehicle namely Rajesh (the petitioner) who succeeded in running away.

I have heard learned counsel for the parties.

The allegation against the petitioner is that his co-accused namely Mukesh and Subhash have stated that the poppy husk was purchased by them from the petitioner, who succeeded in running away from the scene of occurrence. The plea on behalf of the petitioner that co-accused of the petitioners have been admitted on regular bail is of no consequence, particularly when they have been released on regular bail. Therefore, as far as case of the petitioner for grant of anticipatory bail is concerned, at this stage, the prosecution version is to be considered, whereby it has been alleged that the petitioner was driving the vehicle and on being stopped by the police party, he fled away from the scene of occurrence, leaving the vehicle.

Therefore, no ground for grant of anticipatory bail is made out to the petitioner.

The petition is dismissed.

September 30, 2016  
**AK**

**( HARI PAL VERMA )**  
**JUDGE**

Whether speaking / reasoned? Yes / No

Whether reportable? Yes / No