

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

CRM-M-22356 of 2018

Date of Decision:-11.09.2018

Gaurav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Ashok S. Chaudhary, Addl. A.G. Haryana
assisted by ASI Rajender Singh.

GURVINDER SINGH GILL J.(Oral)

By way of filing this petition, petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.268 dated 01.4.2018, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Sirsa, District Sirsa.

As per FIR, when the police party headed by ASI Bhajan Dass was patrolling, co-accused Rajesh @ Raju was apprehended and upon his search 10 grams of heroin was recovered. It is alleged in the FIR that upon further inquiry made from him, he disclosed that his brother Gaurav alias Goru had purchased the said heroin @ ₹1500/- per gram.

Learned counsel for the petitioner has submitted that the

petitioner as well as his brother have been falsely implicated in the present case and that in any case the petitioner was not arrested at the spot and has been implicated solely on the basis of disclosure statement made by Rajesh. He has further submitted that it is a case of recovery of 10 grams of heroin which falls within intermediary quantity.

On the other hand, learned State counsel has stated that since the petitioner is real brother of Rajesh, who was arrested at the spot, therefore, it cannot be said that he has been falsely implicated and therefore in these circumstances he does not deserve the concession of anticipatory bail.

Having regard to the facts and circumstances of the case and also bearing in mind the quantity recovered and that the petitioner was not arrested at the spot and also that he is stated to have joined the investigation pursuant to directions issued by this Court on 24.5.2018, in my opinion it is not a case for custodial interrogation. The petition, as such is accepted and the interim directions issued by this Court on 24.5.2018 are made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

This petition stands disposed of accordingly.

September 11, 2018
Vijay Asija

(**GURVINDER SINGH GILL**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No