

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

**CRM-M No.27138 of 2018
Decided on: 13.11.2018**

Jaibir

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.379 dated 31.07.2017, registered under Sections 15/20/61/85 of the NDPS Act and Sections 420, 467, 468 and 471 IPC at Police Station Sadar Dadri, District Charkhi Dadri.

The operative part of the order dated 09.07.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Counsel for the petitioner submits that as per the allegations in the FIR, which was registered on a secret information, that two persons, namely, Subhash and Mahesh, had gone to Rajasthan, for bringing some contraband as they are involved in same business of selling narcotics, the police laid a trap and arrested both Subhash and Mahesh coming in a pick up vehicle, which was bearing a forged registration number.

Counsel for the petitioner further submits that at the

first instance when disclosure statement of both these accused were recorded on 31.07.2017, they stated that they did not know the name of the person from whom they have taken the possession of the contraband and, thereafter, in the second disclosure statement dated 04.08.2017, the name of the petitioner appeared for the first time as the person who was accompanying the accused persons from Rajasthan for bringing the contraband.

Counsel for the petitioner further submits that one co-accused, namely, Sunil was arrested on 14.09.2017 and thereafter, the name of another co-accused, Pardeep Kumar, has surfaced and said Pardeep Kumar has already been granted concession of anticipatory bail vide order dated 07.02.2018 passed in CRM-M-4673-2018 and the same was confirmed on 23.03.2018. Counsel further submits that the petitioner is not involved in any other case under the NDPS Act and it will be a debatable issue to be decided during trial whether two successive disclosure statements, made by co-accused Subhash and Mahesh, were admissible against the petitioner or not.

Learned State counsel, on instructions from H.C. Harjeet, has, however, opposed the prayer for bail on the ground that the petitioner is involved in two other FIRs. He, however, has not disputed the fact that the petitioner is not involved in the case under the NDPS Act. Learned State counsel has also not disputed that in the first disclosure statements of co-accused Subhash and Mahesh, the name of the petitioner was not mentioned as it was stated by them that they did not know the person from whom they have taken narcotics. He has also not disputed the fact that the petitioner is not the registered owner of the pick-up vehicle from which the recovery was effected....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 09.07.2018, the petitioner has joined the investigation.

Counsel for the State, on instructions from HC Ajit Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 09.07.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

13.11.2018
yakub

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