

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36205-2018
Date of decision:13.11.2018

Rohit

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of FIR No.412 dated 24.07.2018 under Section 15, 22-C/27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 Police Station Fatehabad, District Fatehabad.

It is not disputed that the petitioner was not present at the spot and it was Rajnish @ Rajan Sharma and Mohinder Kumar who were going on motorcycle who were arrested and from whose possession 800 tablets of Tramadole Hydrochloride and 480 grams of poppy straw were recovered from a bag which was kept in between them. It was pursuant to disclosure statements made by the aforesaid two accused to the effect that they procured the aforesaid contraband from the present petitioner that the petitioner is sought to be arrested.

Having regard to the facts and circumstances and that it is

only on the basis of disclosure statements of co-accused, the petitioner sought to be arrested and also that the petitioner has also joined investigation, I do not find that it to be a case of custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 23.08.2018 by this Court are hereby made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

**(GURVINDER SINGH GILL)
JUDGE**

13.11.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**