

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

**CRM-M-45726-2018
Date of Decision: 29.10.2018**

Sohan Lal @ Sohan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. Neeraj Poswal, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for anticipatory bail under the provision of Section 438 Cr.P.C in case FIR No.249 dated 19.09.2018 registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Tohana, District Fatehabad.

2. Learned counsel for the petitioner submitted that petitioner was not apprehended when 22 k.g of poppy husk from Maruti Car, Zen were recovered. On the disclosure statement of one Jaivir, petitioner's name has been cropped up in the present FIR.

3. On other hand, learned State counsel on instructions from ASI Naresh Kumar so also with reference to reply pointed out that initially the owner of seized vehicle Maruti Car, Zen is Charanjit Singh. Later on it was purchased by Binder Singh who sold it to Birbal Singh. Birbal Singh sold it to Jaivir and Jaivir has sold it to petitioner. All these statements are supported by affidavit. It was further submitted petitioner was involved in four cases out of which two are relating to NDPS Act i.e. Criminal cases bearing FIR No.729 dated 28.12.2006 and FIR No.20 of 2008 wherein petitioner has been acquitted. Learned State counsel tried to apprise this

Court by stating that petitioner is habitual offender.

4. Heard learned counsel for the parties.

5. Crux of the matter in the present case is whether petitioner is owner of the vehicle Maruti Car Zen which is seized in FIR in question or not? That apart statement of Jaivir could be relied on so as to deny the anticipatory bail. Undisputedly, petitioner's name has been cropped up with reference to statement given by Jaivir who is stated to be owner of the seized vehicle which was purchased by him from one Birbal. His statement is that vehicle has been sold to petitioner. However, no authenticated document has been produced so as to apprise this Court that petitioner is owner of the seized vehicle. Insofar as involvement of the petitioner in other cases are concerned, it is evident that petitioner has been acquitted in both NDPS matter.

6. Having regard to the above facts and circumstances, petitioner is entitled to anticipatory bail. Accordingly, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on pre-arrest anticipatory bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. Petition is allowed accordingly.

29.10.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**