

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-46967-2018

Date of Decision:01.11.2018

Sukhraj Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.147 dated 09.10.2018 under Section 21 of the NDPS Act, 1985, registered at Police Station Baragudha, District Sirsa.

The aforesaid FIR was registered on 09.10.2018. When the police patrolling party was on duty at Guru Nanak Dharamkanta on the road leading from village Jhorar Rohi to village Biruwala Gudha, they noticed a boy coming from the side of village Biruwala Gudha with a black coloured poly bag in his hand. After noticing the police-party, the boy turned abruptly. On suspicion, he was apprehended. On inquiry, he disclosed his name as Raju. On search of the poly bag, 22.22 gms. of Heroin was recovered from the possession of Raju. During interrogation, he disclosed

that the recovered quantity was sold to him (accused Raju) by Sukhraj Singh

(present petitioner).

Learned counsel for the petitioner has argued that the petitioner was never apprehended at the spot and he is being made an accused merely on the statement of the co-accused. He has never been involved in any such case and has a clean record. He is an agriculturist by profession and is not connected with the crime in any manner. He has relied upon the judgment of the Hon'ble Apex Court in Surinder Kumar Khanna Versus Intelligence Officer Directorate of Revenue Intelligence, 2018(3) R.C.R. (Criminal) 954, to contend that the confessional statement of co-accused is not admissible against another accused.

I have heard learned counsel for the parties.

The petitioner has been specifically named by co-accused Raju, who was apprehended by the police-party while on patrolling. Even in the disclosure statement, he has stated that he had purchased 25 gms. Heroin from the petitioner worth ₹30,000/- and paid ₹2,000/- to the petitioner-accused, whereas the remaining amount of ₹28,000/- was to be paid to the petitioner after the Heroin was sold.

As regards the judgment cited by learned counsel for the petitioner in Surinder Kumar Khanna's case (supra), there is no dispute about the proposition of law. But in the case in hand, it is during the course of investigation, the other co-accused has named the petitioner regarding his involvement. In fact, the offence originated from the petitioner, who gave Heroin worth ₹30,000/- to the co-accused Raju. Out of which ₹2,000/- had been received by him and the remaining amount of ₹28,000/- was to be paid to the petitioner after selling the contraband. The allegation against the petitioner is that he sold Heroin to co-accused Raju. No such material has

been brought on record to satisfy this Court as to whether co-accused Raju has any enmity with the petitioner. In order to reach the basic root and from where the contraband originated, this Court finds that the petitioner is required to be interrogated. No ground to grant anticipatory bail to the petitioner is made out.

Dismissed.

November 01, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No