

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

CRM-M-46729-2017(O&M)

Date of decision:-13.3.2018

Logar Lal Dangi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Satnam Singh Gill, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Logar Lal Dangi – an accused in FIR No.497 dated 28.9.2016, under Sections 15, 29 read with Section 27-A of NDPS Act, later on added Section 201 IPC, registered at Police Station Pehowa, District Kurukshetra.

Briefly stated, the prosecution story is that on 28.9.2016, a police party from Police Station Pehowa while being present at Gumthala Garhu Chowk in connection with patrolling and detection of crime, intercepted a truck having registration No.HR65A-7194 being driven by Bhupinder Singh, whereas other person sitting with him was Kesar Singh;

that the truck on being searched was found to be carrying 11 bags of poppy husk, ten bags containing 25 kgs. each and one bag containing 22 kgs.; that the samples were accordingly drawn; that accused were arrested in this case; that both the accused on being interrogated stated that they had brought the poppy husk from Lokesh, an hotelier at Mangalwada, Rajasthan and out of the total poppy husk, they brought 150 kgs for Maan Singh and 100 kgs. for Maana. Ruqa was sent to the police station, on the basis of which formal FIR was registered. After completion of investigation, challan was prepared and filed in the Court. During investigation, it is found that actual name of Lokesh is Logar Lal Dangi (present petitioner), who was absconding from the date of incident and on 16.10.2017, he was declared proclaimed offender. Thereafter, the petitioner/accused was arrested on 27.10.2017. He had filed an application for regular bail in the Court of Sessions, which was declined by Additional Sessions Judge, Kurukshetra vide order dated 28.11.2017, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Drug trafficking is spreading its tentacles in our society, in the process affecting the social fabric since the number of youngsters taking to drugs is increasing at an alarming rate and if such social evil is not taken seriously then that would have very bad repercussions. The contention of learned counsel for the petitioner that he is not named in the

FIR does not get the guilt of the accused diluted since when arrested with contraband, co-accused had stated they had brought it from the present petitioner/accused. Such disclosure statements of co-accused can certainly be taken into consideration for providing lead in investigation and even during trial those are admissible under Section 30 of the Indian Evidence Act. Furthermore, the petitioner/accused could not be arrested in this case and was declared a proclaimed offender. He was arrested on 27.10.2017 only, which means there is reasonable apprehension of his absconding and trying to tamper with prosecution evidence, if granted bail.

Therefore, finding no merits in the petition, the same stands dismissed.

13.3.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No