

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

CRM-M-51911 of 2018.

Decided on:- November 30, 2018.

Surjeet Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.472 dated 05.09.2018 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Ratia, District Fatehabad.

Pursuant to the order dated November 27, 2018 passed by this Court, learned counsel for the petitioner has filed the affidavit of petitioner Surjeet Singh, which is taken on record.

In the aforesaid affidavit, it has been deposed that another FIR No.11 dated 26.02.2016 under the NDPS Act was registered against the petitioner at Police Station Bareta, District Mansa. However, name of the petitioner was figured in the said case on the basis of disclosure statement of co-accused Bindu from whom the recovery of 300 grams of opium was effected.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner cannot be made an accused on the basis of disclosure statement of co-accused, mere registration of another FIR under the NDPS Act does not bar the claim of the petitioner to seek anticipatory bail in this case. Further, the statement made before the investigating officer cannot prejudice the interest of the petitioner at this stage.

I have heard learned counsel for the petitioner.

The modus as adopted by the petitioner is altogether calculated one. In the present case as well as in the aforesaid FIR, he has been named by another co-accused. In this manner, he is involved in the crime though he remained in the background of the offence under the NDPS Act. Therefore, this Court does not find any case for the relief of grant of anticipatory bail to the petitioner.

The present petition is, accordingly, dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case without being influenced in any manner with these observations.

November 30, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No