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

**C.R.M-M No.17250 of 2019
Date of Decision : 07.05.2019**

Rahul

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Aditya Verma, Advocate
for the petitioner.

Dr. Sushil Gautam, D.A.G., Haryana.

AJAY TEWARI, J. (Oral)

Prayer in the present petition filed under Section 438 of the Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.74 dated 12.03.2019 registered under Section 21 of the NDPS Act at Police Station Paraoo, Ambala, Haryana.

The allegations against the petitioner are that two accused namely Nitesh and Kamal, who were caught with 340 gm of heroine, had been bringing contraband from Delhi for supplying to the petitioner.

Counsel for the petitioner has argued that the petitioner has been implicated only on the basis of disclosure statement and that he was neither present at the spot nor he has any concern whatsoever with the aforesaid accused. He has further argued that no other case is pending

against the petitioner and his antecedents are also clean.

Learned Deputy Advocate General on instructions from SI Jitender has accepted that the petitioner has been implicated only on the basis of the disclosure statement.

In my opinion, the allegations levelled if proved would definitely render the petitioner liable for punishment but as of now it would not be in the interest of justice to subject him to custody. In view of the facts and circumstances of the case, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 20.05.2019 and on any other date as and when his presence is required. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

May 07, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No