

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

**CRM-M No. 18128 of 2019
Date of Decision:-08.05.2019**

Baljit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Baljit has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.969 dated 22.9.2018, under Section 20/61 of NDPS Act, registered at Police Station Sadar, Hisar.

As per FIR, on 22.9.2018 when the police party was present on G.T. Road at 'T' point, Raipur road, a secret information was received that one canter Eicher bearing No.HR21F/0291 is coming from Village Raipur for Hisar and the truck and its occupants are having narcotics substance in huge quantity. Upon this information, nakabandi was done and after some time a canter abovesaid was seen coming from the side of Raipur road. The police party signalled to stop the canter. When the canter

was stopped, a person alighted from the canter and ran away. The remaining persons were apprehended on the spot and on asking they told their names as (i) Rajender @ Nadu, (ii) Jai Singh and (iii) Harish @ Pavva,, (iv) Rajbir, (v) Sohan Lal @ Zora and (vi) Rajbir s/o Ram Kumar. On search, 30 bags weighing 09 quintals were recovered containing contraband (*ganja*).

Learned counsel for the petitioner contends that the petitioner was not arrested on the spot and he was indicted only on the basis of disclosure statement of co-accused Rajbir s/o Ram Kumar, which has no sanctity at all and not admissible in evidence. Even identity of the petitioner is not established at the spot. He further contends that the recovery has been effected from the accused Rajbir etc. and not from the petitioner.

On the other hand, prayer for grant of interim relief is opposed by learned State counsel, who is assisted by ASI Surender Singh on the ground that the information was received in advance wherein the particulars of canter were given. However, before the police could apprehend them, one person i.e. the petitioner managed to escape. It is further pointed out that total seven accused persons have been indicted in the case, out of which three persons, namely, Rajender @ Nadu, Jai Singh and Harish @ Pauwa were sitting in the cabin of canter and four persons, namely, Rajbir s/o Sher Singh, Sohan Lal @ Jora, Rajbir s/o Ram Kumar were sitting on the back side of canter, out of which, as per disclosure statement given by accused Rajbir s/o Ram Kumar, petitioner Baljit was involved and sitting with them, who on seeing the police party managed to escape. It is further

pointed out that a huge commercial quantity of contraband i.e. 09 quintals of *ganja* has been recovered from the canter.

Considering the nature of the offence, particularly, the huge quantity recovered by the police and the name of the petitioner has been disclosed by the accused persons apprehended at the spot, this Court is of the opinion that it is not a fit case for grant of extra-ordinary concession of anticipatory bail to the petitioner.

Resultantly, the petition is dismissed.

May 08, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No