

S.No.213

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

CRM-M-27871 of 2019 (O&M)

Date of Decision:25.07.2019

Charna alias Charanjeet Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ajay Kamboj, Advocate
for the petitioner.

Mr. M.D. Sharma, AAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.0071 dated 06.04.2019 registered under Section 22(c) of NDPS Act 1985 at Police Station Kalanwali, District Sirsa.

Learned counsel for the petitioner contends that the petitioner has wrongly been roped in this case. It is further submitted that the only basis for including the name of the petitioner in the crime is the alleged disclosure statement of the co-accused. However, despite the co-accused, allegedly, having named the petitioner, the Police has not been able to collect anything connecting the petitioner to the crime. Still further, it is submitted that the petitioner is not involved in any criminal activity as of now. It is also submitted that there is no other case against the petitioner under NDPS Act.

On the other hand, learned State Counsel, being assisted by ASI Raj Pal submits that there has been heavy recovery of the contraband/ drugs from the co-accused of the petitioner. The petitioner has been disclosed to

be the supplier of the said drugs. It is also submitted that there have been four more cases against the petitioner. But it is not disputed that there is no other case against the petitioner under the NDPS Act.

As response to this, learned counsel for the petitioner has submitted that in the cases referred to by the counsel for the State, the petitioner has already been either acquitted or served the sentence. The record of the petitioner is totally clean as of today.

In view of the above submissions, however, without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail by the Arresting Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Arresting Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

July 25, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No