

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

CRM-M-51207-2018 (O&M)

Date of Decision:-14.5.2019

Ravinder and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. B.S.Tewatia, Advocate for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J. (Oral)

The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No. 489 dated 4.10.2018 under Sections 186, 332, 353, 216, 506 of IPC and Section 20 of NDPS Act at Police Station Sadar Ballabhgarh, Faridabad.

The FIR was lodged on the basis of a secret information to the effect that Kuldeep and his brother Pinki indulged in sale of 'Ganja' and in case raid is conducted they could be caught red handed.

Pursuant to receipt of said information Constable Mahesh was handed over two currency notes of denomination of ₹ 100/- each by affixing initials on the same and was instructed to purchase 'Ganja' and also to make a video with the help of his mobile phone. It is alleged that shortly thereafter Constable Mahesh came back after purchasing two small packets

of 'Ganja'. The police party then proceeded to the house of Kuldeep and Pinki to conduct a raid but when they reached there, they were surrounded by 15-20 persons, who started grappling with the police party and who were referring to each other by the names as Pinki, Maya, Suresh, Deepak, Sunil etc. and who all misbehaved with the police officials. The names of other accused have been mentioned in the FIR as Aarti, Kamlesh and Ravinder.

The learned counsel for the petitioners has submitted that since no recovery was effected from the petitioners and only vague allegations have been levelled against the petitioners that they had obstructed the police, the petitioners deserve the concession of anticipatory bail, more particularly, when co-accused Sunil Kumar has already been granted bail.

Opposing the petition, the learned State counsel has submitted that since the petitioners had obstructed the police party in performance of their official duties, there is no case for grant of anticipatory bail. It has, however, not been disputed that it is only Kuldeep and Pinki against whom there was a secret information that they indulged in sale of Ganja and that even Constable Mahesh who had been sent as a decoy customer had purchased two small packets of Ganja containing 20 grams each of the said contraband from Kuldep and Pinki and not from petitioners. Although, there was some videography regarding the occurrence but the learned State Counsel has informed that the identity of the petitioners cannot be established from the said video.

I have considered the rival submissions addressed before this Court. Since the petitioners were not arrested at the spot and there is no allegation that they were in possession of any contraband and are not stated

to be identified in video, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and in the event of arrest, the petitioners shall be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

14.5.2019
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No