

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.5965 of 2020

DATE OF DECISION:11.02.2020

Rajinder Kumar Bansal

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR.JUSTICE LALIT BATRA

Present: Mr. Navneet Jindal, Advocate for the petitioner.

LALIT BATRA, J. (Oral)

Present petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner-**Rajinder Kumar Bansal** in case F.I.R. No.04 dated 04.01.2020 under Section 15 of NDPS Act, 1985, registered at Police Station Ellenabad, District Sirsa.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that alleged recovery of contraband was effected from the house of Surjit Singh son of Arjun Singh resident of Mamera Kalan, which is allegedly shown to be in possession of petitioner and his aged father as tenants, whereas petitioner has no concern whatsoever with the said house. He further urges that even though petitioner has no nexus whatsoever with the alleged offence

but he is ready to join investigation as and when required and, thus, he may be extended concession of pre-arrest bail.

A bare perusal of contents of FIR reveals that allegedly after having received secret information that petitioner had brought poppy straw and that too in huge quantity at his rented premises, raid was carried out at his rented premises, where Ashok Kumar Bansal, father of petitioner, was found sitting on a cot outside the room, which was locked. On query, said Ashok Kumar Bansal disclosed that the keys of said room were with his son Rajinder Kumar Bansal and after having broke open the lock, said room was searched, wherein 24 bags containing 193 kilograms of poppy straw were recovered. It was also disclosed by Ashok Kumar Bansal that above said contraband was brought by his son Rajinder Kumar Bansal and he was asked to keep surveillance of the same.

Without commenting anything on the merits of the case, allegedly 193 kilograms of poppy straw (commercial quantity) was recovered from the rented premises of petitioner. In this scenario, custodial interrogation of petitioner is necessitated to know the genesis of offence in question.

In view of above, in case concession of pre-arrest bail is extended to petitioner, it would lead to lawlessness in the society. No extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail
moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

11.02.2020
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No