

CRM-M-5750 of 2020 (O&M)

**202IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5750 of 2020 (O&M)
Date of Decision: 25.11.2020

Vinod Kumar

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. S.S. Gill, Advocate,
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through Video Conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.13 dated 21.01.2020, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short the NDPS Act) at Police Station Sadar Sirsa, District Sirsa.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; no recovery has been made from the person of the petitioner; petitioner has been nominated as an accused on the disclosure statement by the co-accused; the alleged recovery from the co-accused is of six grams of heroin which is marginally above the prescribed

CRM-M-5750 of 2020 (O&M)

“small” quantity; there is no other criminal case in which the petitioner is involved and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that the co-accused from whom six grams of heroin was recovered has specifically stated that the same was purchased from the petitioner and that there is evidence of call details between the petitioner and co-accused from whom recovery was made.

There is no recovery made from the person of the petitioner; petitioner has been nominated as an accused on the strength of the disclosure statement made by the co-accused; the alleged recovery from the co-accused is six grams of heroin which is marginally above the prescribed “small” quantity; there is no other criminal case in which the petitioner is involved and if the weight of the polythene bag in which the allegedly afore-referred narcotic substance was found is reduced it would be debatable whether the recovery was of a “small” quantity.

In view of the above, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C., in the event of his arrest in FIR No.13 dated 21.01.2020, registered under Section 21 of the NDPS Act at Police Station Sadar Sirsa, District Sirsa, he shall be released on anticipatory bail to the satisfaction of the Arresting Officer.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

CRM-M-5750 of 2020 (O&M)

The petition is allowed in the above terms.

November 25, 2020
R.S.

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
---------------------------	--------

Whether Reportable	Yes/No
--------------------	--------