

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

**CRM-M-12374-2020
Date of decision: 20.05.2020**

Rahul**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Gourav Jain, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 28 dated 10.02.2020, registered under Sections 21(b) of the NDPS Act, 1985 at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police party, headed by SI Mahabir Singh, apprehended two persons, namely Shubham and Vinod, who were coming on a motorcycle and having doubt that they were carrying some intoxicant material, a notice under Section 50 of the NDPS Act was given and thereafter, as per the consent of both the accused, DSP was called at the spot and 25.80 grams of Heroin were recovered.

Learned counsel for the petitioner submits that the petitioner was not present at the spot and he has no previous history of involvement in any case under the NDPS Act.

Learned counsel further submits that it is only on the basis of the disclosure of aforesaid co-accused, wherein they stated that they have

purchased the recovered contraband from the petitioner for Rs. 30,000/-, the petitioner has been involved in the present FIR.

Learned counsel further submits that both the aforesaid co-accused Shubham and Vinod have already been granted regular bail by the Additional Sessions Judge, Fatehabad.

Learned State counsel has, however, submitted that recovery was effected from the aforesaid co-accused in the presence of a DSP and thereafter, they were granted regular bail by the Additional Sessions Judge, Fatehabad and the petitioner was nominated as an accused in this case on the basis of the disclosure of said co-accused. However, learned State counsel has not disputed the fact that the petitioner is not involved in any other case.

After hearing learned counsel for the parties and considering the fact that petitioner was not present at the spot; no recovery was effected from him and his name surfaced on the basis of the disclosure made by co-accused Shubham and Vinod, the present is allowed and the petitioner is granted concession of anticipatory bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation after issuing a written notice in this regard.

20.05.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No