

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

CRM-M-12932-2020 (O&M)
Date of Decision:-27.5.2020

Ravi ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shubhankar Baweja, Advocate for the petitioner.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No.100 dated 2.3.2020 under Section 20 (61 of 1985) NDPS Act at Police Station Kurukshetra University, District Kurukshetra.
2. Notice of motion. At this stage, Mr. Deepak Sabherwal, Addl. A.G., Haryana, upon whom advance copy of the petition has been served, accepts notice.
3. It is the case of prosecution that the police received secret information to the effect that Ashok Kumar and Sunil Kumar indulge in sale of '*Ganja*'. Pursuant to receipt of said information, the aforesaid two persons were apprehended and from whose possession '*Ganja patti*' weighing 3 kilograms and 300 grams was recovered. It is further the case of prosecution that during the course of interrogation, the said accused stated that they had procured the said contraband from the petitioner.

4. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case on the basis of the alleged disclosure statement and that in any case it would be debatable as to whether '*Ganja patti*' would fall within the ambit of contraband or not.
5. Opposing the petition, the learned State counsel has submitted that the petitioner is a habitual offender and is involved in two other cases and in these circumstances does not deserve the concession of anticipatory bail.
6. I have considered rival submissions addressed before this Court. The petitioner has been nominated as an accused on the basis of disclosure statement, the admissibility and veracity of which would be debatable.
7. Keeping in view the quantity of contraband recovered which falls in the category of intermediate quantity and the fact that the petitioner was never arrested at the spot, the petition merits acceptance and is hereby accepted and the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

27.5.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No