

CRM No. M- 12879 of 2020 (O&M)
Date of Decision : May 22, 2020

Rajiv

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**Present:** Mr. Gourav Jain, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)**CRM-11147-2020**

Application is allowed as prayed for.

CRM-M-12879-2020

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail in respect of FIR No. 37 dated 25.01.2020, under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Tohana, District Fatehabad.

As per the allegations, a disclosure statement has been made by co-accused, namely, Deepak Kumar from whom 5.5 gram of heroine was recovered to the effect that the same was sold to him by the present petitioner.

Learned counsel for the petitioner argues that the petitioner is not connected to the said incident but is being falsely implicated by co-accused, namely, Deepak Kumar and therefore, as the petitioner is innocent, he is entitled for the concession of anticipatory bail.

Notice of motion.

Mr. Chetan Sharma, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of State of Haryana and argues that keeping in view of the disclosure statement of co-accused, namely Deepak Kumar, the custodial interrogation of the petitioner is necessary, keeping in view the fact that as per allegations, petitioners had sold the banned substance to Deepak, especially in view of the fact that the petitioner is already accused in another FIR No.79, dated 17.02.2017, registered under the NDPS Act. Learned counsel for the respondent-State further submits that the petitioner has already been convicted in another FIR registered under the Gambling Act.

I have heard learned counsel for the parties.

It has not been denied by the learned counsel for the petitioner that the petitioner is facing another FIR as accused being FIR No.79, dated 17.02.2017 registered under Section 21 of the NDPS Act. This *prima facie* shows that the petitioner is a habitual offender and his custodial interrogation is necessary to find out the source from where he got the prohibited substance, which he

allegedly sold to said Deepak Kumar from whom the same was recovered.

No ground is made out to grant the prayer as made in the present petition.

Dismissed.

Nothing mentioned in this order will be taken as an expression of opinion on the merits of the case.

MAY 22, 2020
sarita

(HARSIMRAN SINGH SETHI)
JUDGE

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