

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

**CRM-M No.14239 of 2020 (O&M)
Date of decision : June 08, 2020**

Sarbjeeet

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Shalender Mohan, Advocate for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

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

CRM-12532-2020

Application is allowed as prayed for.

Main Case

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in respect of FIR No.169 of 21.04.2020, under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 and Section 188 and 269 of IPC, 1860, registered at Police Station Tohana, District Fatehabad.

Learned counsel for the petitioner argues that the petitioner is being roped in the present case only on the basis of the statement given by a co-accused, though, he was not present at the time of the recovery. Learned counsel for the petitioner further argues that the petitioner has no role in the said incident and therefore, the petitioner is entitled for the benefit of anticipatory bail, as being prayed in the present petition.

Notice of motion.

Ms. Tanisha Peshawaria, Deputy 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. Learned State counsel, on instructions from SI Vinod Kumar, submits that during investigation the co-accused had given a statement, wherein it was stated that the petitioner had pooled money and the prohibited substance i.e 938 grams of heroine, was being brought with the due knowledge and connivance of the petitioner. Learned counsel for the State further submits that there is an another FIR being FIR No.311, dated 15.07.2018, under Sections 25 of the Arms Act, 1959, wherein also the petitioner is wanted and therefore, antecedents of the petitioner does not entitle him the grant of the benefit/concession of anticipatory bail as being prayed for in the present petition.

I have heard learned counsel for the parties and have also carefully gone through the case file.

Keeping in view the facts and circumstances as recorded above, especially, keeping in view the antecedents of the petitioner, the petitioner does not deserve the benefit of anticipatory bail. The petitioner is also wanted in an another FIR and in the present case, prima facie, it cannot be said that the petitioner has no involvement, as co-accused had given the statement, according to which petitioner was very much involved in the dealing of prohibited substance under the NDPS Act i.e. 938 grams of heroine due to which petitioner has been roped in the present case. Therefore, the custodial interrogation of the petitioner is necessary to unearth the truth behind the allegations.

No ground is made out.

Dismissed.

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

(HARSIMRAN SINGH SETHI)
JUDGE

June 08, 2020

sarita

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No