

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

102

CRM-M No.18289 of 2020
DATE OF DECISION : 23rd JULY, 2020

Anil

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.96 dated 08.06.2020 registered under Section 21-B of the NDPS Act, at Police Station Narwana City, District Jind.

It is contended by counsel for the petitioner that the allegations against the petitioner are totally concocted. The petitioner is not involved in the crime as alleged in the FIR. His name has been sought to be involved only on the basis of the alleged disclosure statement of the co-accused Priyanka, from whom, allegedly, 35 grams of heroin has been recovered. However, the petitioner does not have any connection of any kind with the co-accused Priyanka. It is further pointed out by the counsel for the petitioner that although earlier also, the police had tried to involve the petitioner in false cases like the present one, however, he has already been granted bail in those cases. Hence, the petitioner deserves to be granted the concession of anticipatory bail.

Notice of motion.

Mr. Amit Aggarwal, DAG Haryana, accepts notice on behalf of the State.

Learned State counsel, being instructed by ASI Sunder Singh, has submitted that the name of the petitioner has specifically surfaced during the investigation. His name has been disclosed by the co-accused Priyanka, from whom recovery of 35 grams of heroin has been effected. However, the counsel for the State has failed to point out any evidence against the petitioner so far, except the disclosure statement of the co-accused Priyanka. No specific connection between the co-accused and the present petitioner has been pointed out by the counsel for the State, despite the fact that on previous date the case was adjourned for this purpose only.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

23rd JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>