

S.No.106

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

CRM-M-22049 of 2020 (O&M)

Date of Decision:07.08.2020

Angrej Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. D.P.S. Bajwa, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.140 dated 06.07.2020 registered under Section 15 of NDPS Act, 1985, at Police Station Garhi, District Jind.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally baseless. He is not connected with any trade in narcotic substance. The name of the petitioner has been sought to be involved in the case only on the basis of an alleged disclosure statement of the co-accused. However, even the said co-accused had not named the petitioner in his first disclosure statement. It is only in the alleged second disclosure statement that the name of the petitioner has been mentioned. It is also submitted by the counsel that even the prosecution is wavering in its allegations. In the first instance, the allegation against the petitioner was that he was the supplier of the contraband, which was recovered from the arrested co-accused. However, subsequently, the allegation has been levelled just to say that the petitioner has been the financier of the trade in narcotic substances. However, the petitioner has never had any connected

with either the co-accused or his trade as such.

Notice of motion.

Mr. Vikrant Pamboo, DAG, Haryana, accepts notice on behalf of the State.

Learned State Counsel submits that the name of the petitioner has specifically been surfaced through the statement of the arrested co-accused from whom 7kg of poppy husk has been recovered. The petitioner is deeply involved in the trade of psychotropic substances as a financier. However, it is not disputed that the name of the petitioner was not mentioned by the arrested co-accused in the first disclosure statement. It is also not disputed that except the disclosure statement of the co-accused, there is no substance or material, even to prima-facie connect the petitioner to the alleged crime or to the arrested co-accused.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that 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.

August 07, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No