

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(110)

CRM-M-30457-2020

Date of Decision: September 30, 2020

Gujinder Singh

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.S. Virk, Advocate, for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No. 141 dated 26.08.2020 under Sections 18, 29 of the NDPS Act, 1985 registered at Police Station Guhla, District Kaithal.

Learned counsel for the petitioner argues that the petitioner has been roped in the present case on the basis of the statement of the co-accused, namely Gurcharan Singh. Learned counsel for the petitioner submits that no recovery has been effected from the petitioner and therefore, he is entitled for the grant of anticipatory bail.

Notice of motion.

Ms. Safia Gupta, learned 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 the respondent-State.

Learned counsel for the respondent submits that co-accused, namely, Gurcharan Singh on whose statement, the petitioner has roped in, is the father of the petitioner. Learned counsel for the respondent submits that the petitioner has a conviction against him under the NDPS Act itself and therefore, the benefit of anticipatory bail, as being prayed for, may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the co-accused of the petitioner is his father and he has named the petitioner to the effect that he used to purchase contraband and then sell it further, the petitioner cannot be permitted to say that the said statement of co-accused should be disbelieved at the outset. Further, the petitioner has a history as he has already been convicted under the NDPS Act.

Not only this, the challan is yet to be presented as the investigation is still going on to unearth the complete truth with regard to the contraband which has been recovered from the co-accused.

Keeping in view the facts and circumstances noted above, no ground is made out to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

September 30, 2020
harsha/naresh.k

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