

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.31436 of 2020

Date of Decision: 12.10.2020

Narender Kumar

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM:- HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Ram Kumar Saini, Advocate,  
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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**SUDIP AHLUWALIA, J.**

1. This petition has been filed under Section 438 Cr.P.C. for grant of Anticipatory bail to the petitioner in case FIR No.137 dated 21.07.2020 under Section 20 of Act No.61 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at P.S. Jhojhu Kalan, District Charkhi-Dadri.

2. Learned counsel for the petitioner has sent by e-mail his entire detailed call records for the period between 01.07.2020 to 31.07.2020 and draws the attention of the Court to the fact that throughout this period he had conversations with the accused Sanjay only twice, on 17.07.2020, and even those conversations were limited to talks firstly exceeding 1 minute and, then for only 17 seconds thereafter, and which was three days before apprehension of the accused Sanjay, who has since been granted statutory bail by the learned Court below.

3. Submits further that the said accused is an acquaintance of the petitioner and his alleged disclosure statement has not been revealed. Also

submits that in any case, the contraband recovered from Sanjay was well below the commercial quantity, even though the petitioner has no concern with the same, and that there is no record of his involvement in any other case under the NDPS Act.

4. Learned counsel for the State from his side submits that the petitioner was involved in two previous cases. Perusal of para 12 of the main petition goes to show that the petitioner earlier was involved in FIR No.185 dated 27.07.2000 under Sections 61-1-14 of the Excise Act, and thereafter in FIR No.346 dated 29.11.2004 which pertains to offences under the IPC, and in both of these cases, the petitioner has been acquitted.

5. In this view of the matter, this appears to be a fit case for granting pre-arrest bail to the petitioner. As such, the petitioner's prayer for anticipatory bail is allowed and the petitioner shall be released on bail, subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. However, he 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.

6. The petition stands disposed off.

(SUDIP AHLUWALIA)  
JUDGE

12.10.2020  
manju

Whether speaking/reasoned Yes/No

Whether reportable Yes/No