

CRM-M-44282-2020 (O&M)

Date of Decision : 30.12.2020

Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGANPresent :- Mr. Simranjeet Singh, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

AVNEESH JHINGAN, J.(Oral)

The matter is taken up for hearing through video conference due to Covid-19 situation.

This is a petition under Section 438 of Cr.P.C. seeking pre-arrest bail in FIR No.88, dated 10.03.2020, under Section 20(b) of NDPS Act, 1985, registered at Police Station Bhuna, District Fatehabad, Haryana.

Brief facts are that on 10.03.2020, a car was stopped by giving a torch signal at Nakka at Ratia Mod (turn) at Kullian road, the car was stopped short of Nakka. The driver Gaija tried to turn back the car. The other occupant of car was Gurjit @ Geetu. 18 kgs and 20 grams of Ganja was recovered from a plastic bag placed in the car. During the investigation Gurjit @ Geetu made a disclosure statement that he had purchased one quintal of Ganja from the petitioner (Pardeep) at the rate of ₹6,000/- per kg.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR. His name has surfaced only in the disclosure statement and the petitioner has been falsely implicated.

Notice of motion.

Mr. Deepak Bhardwaj, DAG, Haryana appears on behalf of

the State.

Learned counsel for the State opposes the prayer. It is submitted that the petitioner was involved in eight more FIRs. The contention is that there are call details of petitioner being regularly in touch with the co-accused Gaija. It is further submitted that as per the co-accused, there was a transaction of one quintal of Ganja.

The recovery is of 18 kgs and 200 grams of Ganja but there is an allegation of purchase of one quintal of Ganja from the petitioner. The petitioner was in constant touch with the co-accused Gaija, who was driving the car. In such a situation, in order to have a deeper probe and to go to the root of the matter, the custodial interrogation of the petitioner is required. The issue that the name of the petitioner surfaced in the disclosure statement would get relevancy only during trial after the investigation is complete. The petitioner is not a stranger to the co-accused. The call details available with the police would be relevant to the disclosure statement. It is not the case where merely the petitioner is named in the disclosure statement without their being any other evidence.

The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

30.12.2020
Manpreet

Whether reasoned / speaking	Yes
Whether reportable	No