

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-45517-2019 (O&M)

Date of Decision:- 12.3.2020

Ruli Ram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Lipika Mamli Dahiya, Advocate for
Mr. R.S.Mamli, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana,
assisted by ASI Hanuman.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.390, dated 21.7.2019, Police Station City Fatehabad, District Fatehabad, under Section 18 of NDPS Act.
2. It is the case of prosecution that one Anil Kumar was caught red-handed while in possession of 510 grams of 'opium' and that during the course of interrogation the said Anil Kumar disclosed that it was

on the asking of the petitioner who happens to be father of Anil Kumar that he had procured the contraband.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case simply to pressurize the entire family as he happens to be father of Anil Kumar from whom recovery of contraband was allegedly effected.
4. Opposing the petition, learned State counsel has submitted that apart from the disclosure statement of co-accused Anil Kumar, the petitioner himself also stated that he had procured the said 'opium' from one Ram Narain for an amount of ₹50,000/- and that in these circumstances the petitioner does not deserve concession of bail. It has further been pointed out that the petitioner also happens to be convicted in the year 2014 for having been found in possession of non-commercial quantity of 'opium' in respect of which the appeal is pending in this Court.
5. I have considered rival submissions addressed before this Court. Given the fact that the petitioner is sought to be nominated as an accused only on the basis of disclosure statement of Anil Kumar who happens to be son of the petitioner and that the veracity and admissibility of the said disclosure statement would be debatable, custodial interrogation of the petitioner is not warranted especially keeping in view the fact that the petitioner has already joined investigation. The petition, as such, is accepted and interim directions issued vide order dated 24.10.2019 are made absolute subject to the condition that the petitioner shall appear and join

investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

March 12, 2020
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No