

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

CRM-M-50297-2019

Date of decision:23.1.2020

MANGE RAM

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr.Bhavdeep Singh Mamli, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.544 dated 31.10.2019 under Section 21(c) NDPS Act, Police Station City Fatehabad, District Fatehabad.
2. The allegations in nut-shell, as per FIR are that on 31.10.2019 when the police party was patrolling near Hans Market, Fatehabad near Jiwan Hospital, co-accused Kulwant Kumar was intercepted on the basis of suspicion while he was riding a scooter. His search yielded recovery of 253 grams of heroin apart from cash amount of ₹1 lac. It is further the case of prosecution that during the course of interrogation said Kulwant Kumar disclosed that he had purchased the contraband with the assistance of present petitioner Mange Ram from an unknown person in Delhi.
3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and is being nominated as an accused on the basis of a disclosure statement allegedly made by co-

accused Kulwant Kumar.

4. Opposing the petition, learned State counsel has submitted that since Kulwant Kumar from whose possession 253 grams of 'heroin' was recovered has categorically named the petitioner to be a person through whom the contraband has been purchased, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. Given the fact that the petitioner was not arrested at the spot and is sought to be nominated on the basis of disclosure statement allegedly made by co-accused Kulwant Kumar, the veracity and admissibility of which would be debatable, this Court is of the opinion that custodial interrogation of the petitioner is not warranted.
6. Accordingly the petition is accepted and the interim directions issued vide dated 9.12.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

23.1.2020
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No