

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7346-2021
Date of Decision: 22.02.2021

AMIT @ SHANKAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.R.S. Mamli, Advocate for the petitioner
Mr.Kuldeep Tewari, Additional A.G. Haryana

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.580 dated 08.12.2020 registered under Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) at Police Station City Tohana, District Fatehabad.

Briefly stated, the case of the prosecution is that on 08.12.2020 Sukhdev Singh and Subhash who were coming on a motorcycle were stopped by a police party; after following the procedure prescribed under NDPS Act Sukhdev Singh's search revealed 250 grams of opium and Subhash's search revealed 900 grams of opium; Sukhdev Singh and Subhash were arrested and on being interrogated both of them revealed that the opium found in their possession had been supplied to them by the petitioner and on the basis of such evidence the petitioner was nominated as an accused.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; the only evidence against the

petitioner are statements of co-accused made in police custody which have no evidentiary value and that the petitioner is ready and willing to join investigation as and when called by the investigating agency.

Learned State counsel who appears on advance notice opposes the grant of anticipatory bail to the petitioner on the ground that both Sukhdev Singh and Subhash have stated that they were supplied the opium found in their possession by the petitioner and that the petitioner has committed such offence while on bail in another case under NDPS Act being FIR No.434 dated 11.12.2017 registered at police station City Tohana, District Fatehabad.

While on bail in the afore referred case registered against the petitioner under the NDPS Act the petitioner is alleged to have supplied opium to Sukhdev Singh and Subhash from whose possession opium weighing 250 grams and 900 grams respectively has been recovered. He has thus misused the concession of bail so granted to him in the earlier case. Further amongst other things custodial interrogation of the petitioner is considered necessary to interrogate the petitioner for elucidating information from him as to from whom has he obtained opium and to who all does he supply it.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

22.02.2021
gk

(Deepak Sibal)
Judge

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