

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

CRM-M-8252-2021 (O&M)
Date of Decision:- 31.8.2021

Joginder @ Chintu

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Keshav Partap Singh, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Bhagmal.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 517, dated 26.10.2020, Police Station City, District Fatehabad, under Section 21(b), 27-A, 61, 85 of NDPS Act.
2. As per case of prosecution, one Chirag was apprehended by the police while he was in possession of 40 grams of 'Heroin'. Subsequently the petitioner came to be nominated on the basis of a disclosure statement.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that in fact it is a case where

the main accused namely Chirag has been making rather conflicting disclosure statements and it is in the second disclosure statement that he came to be nominated. It has been submitted while in the first disclosure statement Chirag stated that he had purchased the 'Heroin' from one Nigerian which he subsequently sold to Harpreet, Jaswinder and Rajan but in the second disclosure statement Chirag has stated that it is the petitioner who had supplied 90 grams of 'Heroin' to him for an amount of Rs.1 lakh. Learned counsel has submitted that such like conflicting disclosure statements can hardly carry any evidentiary value and it is quite evident that he has been falsely implicated.

4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender and is having a checkered history having been involved in 21 other cases including 4 registered under NDPS Act. It has been submitted that since the main accused Chirag has categorically named the petitioner in his disclosure statement, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. It is certainly not in dispute that the petitioner was never arrested at the spot nor was present at the spot when Chirag was found in possession of 40 grams of 'Heroin'. The petitioner however, came to be nominated subsequently by Chirag in his second disclosure statement. The said second disclosure statement wherein it is stated that it is the petitioner who had supplied 'Heroin' to Chirag is rather

in conflict with the first disclosure statement wherein he stated that the 'Heroin' had been supplied by him one Nigerian.

7. Having regard to the said inconsistency and the fact that the petitioner has been nominated on the basis of disclosure statement only, the fact that the petitioner has earlier been involved in other cases would take a back seat. The petition, as such, is accepted and the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

31.8.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No