

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

213

CRM-M-14187-2021

Date of Decision: 24.08.2021

Pankaj @ Gori

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manvinder Sidhu, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Wazir Singh.

(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.0037 dated 21.02.2021 at Police Station Kalanwali, District Sirsa, under Section 21 of the NDPS Act.
2. It is the case of the prosecution that during the course of patrolling, the police came across a young boy, who upon noticing the police party tried to turn back, but was apprehended by the police. An offer in terms of Section 50 of the NDPS Act was extended to him and the said boy opted to be searched in the presence of the Gazetted Officer. Accordingly, Ramniwas, Deputy Tehsildar, Kalanwali was requested to reach at the spot. In the presence of said Deputy Tehsildar, search of Vikram was effected and a polythene containing *Heroin* weighing 10 gms and 50 mgs was

recovered from the right pocket of the lower, which the said Vikram was wearing. It is further the case of the prosecution that during enquiry, he disclosed that he had purchased the said contraband from Pankaj (petitioner).

3. Learned counsel for the petitioner submits that he was never ever arrested at the spot and has been nominated on the basis of a disclosure statement, which would hardly carry any evidentiary value.
4. On the other hand, learned State counsel upon instructions has informed that the petitioner is a habitual offender having been involved in 5 other cases out of which 4 had been registered under the provisions of the NDPS Act. Learned State counsel has further informed that out of the said 4 cases, 3 pertains to recovery of intermediate quantity while the 4th case pertains to recovery of 500 grams of *ganja* and 1200 tablets of 'Tramadol'.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was never arrested at the spot and has been nominated on the basis of disclosure statement and is not even stated to be convicted in any other case, which are all stated to be pending against him, the instant petition is accepted, particularly bearing in mind that the veracity and admissibility of the disclosure statement would be debatable. Consequently, in the event of arrest, the petitioner be released on anticipatory bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer.

However, the petitioner shall join 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.

24.08.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**