

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

S. No.102

**CRM-M-22070-2021
Date of Decision: 07.06.2021**

MAHENDER KUMAR @ SAINI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. D.S. Virk, Advocate,
for the petitioner.

ARCHANA PURI, J. (ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

This petition has been filed by the petitioner, namely, Mahender Kumar @ Saini, under Section 438 Cr.P.C. thereby making prayer for grant of anticipatory bail in case bearing FIR No.226 dated 13.05.2021 under Sections 17/61/85 NDPS Act, 1985, Police Station City, District Sirsa.

Notice of motion.

Mr. Vivek Saini, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

As per version of the prosecution, on 13.05.2021 one person, namely, Om Parkash son of Atma Ram was apprehended by ASI Sumit Kumar and upon search of his motorcycle, 125 grams of opium was recovered. During the course of interrogation, said Om Parkash had made a disclosure about the recovered opium to have been purchased by him from the present petitioner i.e. Mahender Singh @ Saini. It is evident that no recovery, as such, has been made

from the petitioner herein and it is only upon the disclosure statement made by the fellow accused that he has been nominated as accused.

Considering the aforesaid fact situation, without dilating further, the instant petition is allowed and in the event of arrest, the petitioner is ordered to be released on anticipatory bail, subject to his furnishing bail bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

(ARCHANA PURI)
JUDGE

07.06.2021
himanshu

Whether speaking/reasoned : Yes

Whether reportable : No