

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CRM-M-23050-2021

Date of Decision : June 15, 2021

Sanjay

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Bhavna Grewal, Advocate, for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.191 dated 17.05.2021, under Sections 21, 29, 61 and 85 of the NDPS Act, 1985, registered at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and no recovery of the banned substance has been done from the petitioner and therefore, the petitioner, who has only been roped in the present FIR on the basis of the disclosure statement of co-accused, be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sharad Aggarwal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of

the respondent-State.

Learned counsel for the respondent-State submits that the FIR was registered keeping in view the factual position which existed on the date of the registration of the FIR and the name of the petitioner cropped up during investigation and the police is yet to recover the amount, which the petitioner has received after selling the drugs. Learned counsel for the respondent-State further submits that the custodial interrogation of the petitioner is necessary to unearth the truth from where the petitioner was getting the banned substance, which he was selling to others and also the money which co-accused paid to the petitioner while buying the contraband, which was recovered from them.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, in the present case, the petitioner has been roped in the present FIR on the basis of the statement of the co-accused but, the nature of the disclosure statement is also to be taken into consideration while considering the prayer of the petitioner for the grant of anticipatory bail. The allegation against the petitioner is that he sold the drugs to the co-accused from whom the same were recovered and for the procurement of the said drugs, the co-accused paid the petitioner a sum of Rs.39,000/-. In order to find the truth, the custodial interrogation of the petitioner is necessary as the drug menace needs to be controlled as far as possible. The petitioner is alleged seller of the drugs and it cannot be said that the custodial interrogation to unearth the truth from where the petitioner procures the drugs and to whom he sells is without any justification.

In the facts and circumstances of the present case as detailed

hereinbefore, no ground is made out to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

It is made clear that nothing observed herein shall be construed to be an expression of any opinion on the merits of the case.

June 15, 2021

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No