

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

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CRM-M-32971-2021

Date of Decision : August 26, 2021

VICKY

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Shubhankar Baweja, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.452 dated 24.7.2021 under Section 20(61) of NDPS Act, registered at Police Station, Krishna Gate, District Kurukshetra.

The learned counsel for the petitioner has submitted that in the present case, there was an alleged recovery of 2.25 kgs of ganja from the co-accused whereas the petitioner has been nominated on the basis of disclosure statement of co-accused which is a weak piece of evidence and, therefore, he may be considered for the grant of anticipatory bail. He further submitted that there is one more case pending against the petitioner.

On the other hand, Mr. Panwar, learned DAG, Haryana has submitted that an affidavit has been filed by the Deputy Superintendent of Police, City Kurukshetra on behalf of the respondents by way of email since the matter is being taken up through video conferencing. A print out of the same is directed to be taken on record. The learned DAG while referring to the affidavit filed by the DSP has submitted that although the contraband was seized from the co-accused but during investigation it was disclosed by him that he had purchased the contraband i.e. ganja from the present petitioner for an amount of Rs.20,000/-. The present petitioner and the other co-accused are the cousin brothers and the vehicle found from the possession of the accused is owned and registered in the name of the present petitioner as per the Registration Certificate of the said vehicle and as per the disclosure statement made by co-accused, namely, Rajinder Kumar the contraband in question was supplied and sold by the present petitioner. It has been further stated in the affidavit that the petitioner is a habitual offender and there is one more criminal case bearing FIR No.1177 dated 30.10.2019 under Sections 20-61-85 of the NDPS Act registered at Police Station City, Thanesar, District Kurukshetra against the petitioner which is pending before the learned trial Court and in that case 2 kgs of ganja was recovered from the possession of the petitioner. The learned DAG has submitted that although the name of the petitioner was nominated on the basis of the disclosure statement but it itself could not become a ground for grant of bail to the petitioner looking into the antecedents of the petitioner wherein he was involved in another case under the NDPS Act where

ganja was recovered from his possession. He submitted that custodial investigation of the petitioner is required to extract the truth and the source from where that petitioner had been taking the ganja and to how many people it was supplied by him and for how long he had doing this business. He further submitted that in view of the menace of the drug in the State of Haryana where lives of large number of people are being affected, the custodial investigation of the petitioner is required.

I have heard learned counsels for the parties.

The name of the petitioner was nominated on the disclosure statement of the co-accused but the petitioner is involved in another case of NDPS Act which is pending trial and ganja was recovered from him in that case. The argument raised by the learned State counsel that in order to curb the menace of drug in the State, the source of the contraband is required to be ascertained and the same can be done only by way of custodial investigation for the purpose of extracting the truth carry some weight. The menace of drugs affects public at large and has adverse social and medical impact on the health of people. In such like cases pertaining to NDPS Act, custodial investigation is required for elicitation of truth.

In view of the above, this Court does not deem it fit case for the grant of anticipatory bail to the petitioner.

Consequently, the present petition is dismissed.

August 26, 2021
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(JASGURPREET SINGH PURI)
JUDGE

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