

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

CRM-M-32930 of 2021

Date of Decision: 16.08.2021

Gaurav Khanduja

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R. S. Mamli, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 173 dated 30.7.2021, under Section 21(c) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act') (Section 27-A added later on) registered at Police Station Sadar Ratia, District Fatehabad.

The brief facts are that the police during routine patrolling on 30.7.2021, checked motor cycle bearing registration No. HR-59B-9486. The riders were Balwant Singh and Harbans @ Bansi Lal. From their conscious possession, 6000 Alprazolam Tablets IP 0.5 mg. weighing 1200 grams and 4900 Tramadol Prolonged-release Tablets IP weighing 2450 grams were recovered. During investigation, the co-accused named the petitioner that the tablets were supplied by him.

Learned counsel for the petitioner argues that the petitioner was not apprehended at the spot; no recovery was made from him; his name surfaced in the disclosure statement and he was not named in the FIR.

Learned counsel for the State appearing on advance notice

opposes the prayer for grant of pre-arrest bail. She submits that the petitioner is a supplier, he is involved in one more case under the Act. The recovery is heavy and his custodial interrogation is necessary to unearth the supply chain.

The evidentiary value of the disclosure statement would be subject matter of trial. Considering the quantity of tablets recovered, it is not a case where the petitioner should be clothed with pre-arrest bail. A deeper probe is necessary. The involvement of the petitioner in another case under the Act is an indicator of his antecedents.

No case is made out for anticipatory bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

16th August, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |