

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

**CRM-M No.41224 of 2021
Date of Decision:-16.12.2021**

Salinder

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Shiv Charan Bhola, Advocate
for the petitioner.

Mr. Apoorv Garg, D.A.G, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.

By way of this petition, the petitioner has made second attempt to seek the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.198 dated 15.05.2021 registered at Police Station City Tohana, District Fatehabad, under Sections 18, 27-A of the NDPS Act, Section 51(b) of the Disaster Management Act, 2005 and Section 269 IPC.

Shorn and short of unnecessary details, the allegations, as levelled against the petitioner, are that his co-accused named Jaspal Singh @ Jassu was apprehended by the police party headed by ASI Om Parkash, Crime Branch Cell, Tohana and 255 gms opium was allegedly recovered from his possession. During his interrogation, he suffered a disclosure statement nominating the petitioner therein as the supplier of the said

contraband.

Status-report, filed on behalf of the respondent-State by way of the affidavit of Deputy Superintendent of Police, Tohana, is already available on the file and the same is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner was not present at the spot at the time of the alleged recovery of opium from his co-accused and he has been arraigned as an accused in this case on the basis of the disclosure statement as allegedly suffered by his said co-accused and he has, thus, been falsely implicated in the instant case and therefore, he deserves the relief as sought in this petition.

Per contra, learned State counsel argues that the petitioner is the supplier of the opium recovered from the possession of his co-accused and his custodial interrogation is required to ascertain the source of supply of the said contraband to him and keeping in view the gravity of the offence committed by him, the present petition be dismissed.

Though the above-named co-accused of the petitioner was apprehended and was allegedly found to be in possession of the opium but it has categorically been mentioned in Para 6(b) of the status-report that he (co-accused) had suffered a disclosure statement to the effect that he had purchased the said opium from the petitioner for a sum of Rs.30,000/-. The petitioner has yet to join in the investigation and thus, the investigation qua

him is at the nascent stage and the possibility of the requirement of his custodial interrogation to elicit the truth qua the source of the supply of the contraband to him cannot be ruled out. Moreover, as mentioned in para 8 of the status-report, he is involved in two more cases under the NDPS Act, besides the present case as detailed therein and one of those cases is still pending. To add to it, Section 27-A of NDPS Act attracts the rigour of Section 37 of the said Act also.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

December 16, 2021

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*