

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

CRM-M-49119 of 2021

Date of decision: 24.11.2021

Irfan Khan

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Swati Batra, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The petitioner aggrieved of the orders rejecting the prayer for grant of anticipatory bail in FIR No. 392 dated 24.12.2020, under Sections 15(c), 25, 29, 59 of the NDPS Act, 1985, (Sections 7, 7-A and 8 of the Prevention of Corruption Act, 1988, Sections 18 and 27-A of NDPS Act, 1985 and Sections 120-B, 166-A, 192, 196, 201, 202, 203, 217 and 409 IPC added later on), registered at Police Station Uchana, Jind, Haryana is before this Court under Section 438 Cr.P.C.

The Haryana State Narcotic Control Bureau, Madhuban, Karnal, received a secret information that Rakesh son of Arjun was arrested by CIA-I, Jind, on 19.12.2020 alongwith Truck bearing registration No.HR-45-C-9998 carrying Poppy Husk. The truck was parked by CIA in the Police Station Uchana without showing the contraband on the police record. As per the case set up, the police officials (co-accused) took money from

the family of Amandeep (petitioner is the grand-father of Amandeep) to ensure that Amandeep is not named in the recovery of Poppy Husk from the apprehended vehicle. During investigation, two police officials i.e. ASI Parveen Kumar and Constable Anoop, were detained along with Gajraj and Rakesh. Amandeep and Chhotu were let free.

During investigation, Mubarak Khan named the petitioner stating that Amandeep used to supply narcotic substances and get it loaded from the petitioner and Mubarak Khan. During enquiry, bank transactions and phone call details between the petitioner and Mubarak Khan were collected by the investigating agency.

Learned counsel for the petitioner submits that the petitioner was named in the disclosure statement, he has been nominated only due to his acquaintance with the accused, he is in the business of onions and in that context banking transactions and phone calls are there. The contention is that no recovery is to be made.

Learned counsel for the State on instructions opposes the prayer for grant of pre-arrest bail. He submits that it is a larger net for supply of narcotic substances in the State, involvement of CIA staff is there and *modus operandi* needs to be unearthed.

The facts that emerged during investigation of the secret information received, itself are indicator that a deeper probe is required. The contraband recovered was hidden in onion bags in the truck. There was an attempt in connivance with police officials to ensure that recovery of the contraband is not reported in the police record. The evidentiary value of the disclosure statement would be subject matter of trial. Section 29 of the

NDPS Act, 1985 has been invoked. It would be appropriate to note at this stage that apart from the disclosure statement, something more is available with the investigating agency against the petitioner.

No case is made out for anticipatory bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

24th November, 2021

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |