

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

Sr.No.202

**CRM-M No.2130 of 2021
Date of Decision: 07.03.2022**

Krishan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Lekhraj Nandal, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.161 dated 22.07.2020 registered at Police Station Pillu Khera, District Jind, under Sections 17 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') wherein the offence under Section 29 of the Act is stated to have been added later-on, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the present case, are that on the receipt of a secret information regarding two persons carrying some contraband in their bag, the police party, headed by SI Karan Singh, reached at the disclosed place and apprehended the co-accused of the petitioner named Anil @ Sheela and

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Krishan S/o Ishwar and the search of the bag, as kept by them on their motorcycle, resulted in the recovery of 1.780 kg *opium*. During their interrogation, they suffered separate disclosure statements regarding their having purchased the said contraband from the petitioner for a sum of Rs.3.30 lacs.

Short reply has already been filed on behalf of the respondent-State, by way of the affidavit of the Assistant Superintendent of Police, Safidon, District Jind.

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.

It is worth-while to mention here that vide the order dated 15.01.2021 as passed by the Co-ordinate Bench in this petition, the petitioner was extended the relief of interim bail with a direction to join in the investigation.

However, learned State counsel, on the instructions from ASI Satish Kumar from the above-said Police Station, apprises the Court that though, the petitioner joined in the investigation but he has not co-operated the Investigating Agency and moreover, Section 27-A of the Act has also been invoked in this case.

Faced with this situation, learned counsel for the petitioner contends that the said contraband was not recovered from the possession of the petitioner and he has, rather, been nominated as an accused in the present case merely on the basis of the disclosure statements, as allegedly

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suffered by his afore-named co-accused and in these circumstances, he deserves the relief as prayed for in this petition.

Per-contra, learned State counsel argues that besides the disclosure statements of the co-accused of the petitioner, the Call Detail Record (CDR) and CAF qua the mobile phone numbers of the petitioner as well as of his co-accused have also been obtained, which reflect the conversation having taken place between them before the recovery of the said contraband and moreover, the offence under Section 27-A is covered by the provisions of Section 37 of the Act and it being so, this petition be dismissed.

As categorically mentioned in para No.3 of the Short Reply, the above-named co-accused of the petitioner suffered the disclosure statements regarding their having purchased the said contraband from the petitioner for a sum of Rs.3.30 lacs. Then, in para No.4, it has also been deposed that the CDR and CAF in respect of the mobile phone numbers of the petitioner and his co-accused named Anil @ Sheela reflect that they had talked with each other 26 times on 20.07.2020 and 21.07.2020 before the recovery of the said contraband. In para No.8, it has also been specifically mentioned that the petitioner joined in the investigation but he neither disclosed the name of the person, who had accompanied him at the time of the delivery of the contraband to his afore-named co-accused nor he got the Car, used in the commission of the offence, recovered and he also did not disclose the source from where he had procured the recovered contraband. Moreover, the offence under Section 27-A attracts the rigour

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of Section 37 of the Act.

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.

07.03.2022	(MEENAKSHI I. MEHTA)	
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	<i>Whether speaking/reasoned</i>	<i>Yes</i>
	<i>Whether Reportable</i>	<i>No</i>