

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

CRM-M-1997-2022 (O&M)

Date of Decision:- 23.9.2022

Amar Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raman Chawla, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Rahul.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 351 dated 3.10.2021 under Sections 15, 27-A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Fatehabad, District Fatehabad.
2. It is the case of prosecution that on 3.10.2021, during the course of *nakabandi* and checking of vehicles, the police gave signal to a white coloured i-20 car bearing registration No. HR-59D-7171, to stop but the driver of the said vehicle tried to turn back the vehicle and on account of haste, hit the iron grill and the car came to a halt. The persons sitting in the vehicle were apprehended by the police. While the driver disclosed his name as Lakhwinder Singh @ Lakha son of Mukhtiyar Singh @ Mukhtaryi, the other person sitting on the front passenger seat disclosed his name as

Mukhtiyar Singh @ Mukhtaryi. A search of three plastic bags lying on the rear seat led to recovery of 36 kilograms of 'poppy husk'.

3. It is further the case of prosecution that during interrogation Mukhtiyar Singh @ Mukhtaryi disclosed that the 'poppy husk' had been procured from Amar Singh (petitioner) and that said Amar Singh had sent his son Anil Kumar alongwith Lakhwinder and Mukhtiyar Singh and had got loaded three bags of 'poppy husk' from a house constructed in the fields near Jagat Place Hotel.
4. The learned counsel for the petitioner has submitted that he was never ever found or arrested at the spot and has been nominated on the basis of a disclosure statement, which would hardly carry any evidentiary value. The learned counsel has further submitted that he has already joined investigation and pursuant to directions issued by this Court he has handed over his mobile phone and SIM card to the Investigating Officer and that nothing incriminating has been found upon examination of the same.
5. On the other hand, the learned State counsel, while opposing the petition, has submitted that it is a case where the petitioner is a habitual offender, having been involved in seven other cases including three under the NDPS Act. It has further been submitted that upon scrutiny of the call details record, it has been revealed that a few calls had been exchanged between the petitioner and co-accused. It has been submitted that although the details of the *Whatsapp* calls made is not recorded in the call details record maintained in the office of the service provider but some *Whatsapp* messages had been retrieved from the mobile phone furnished by the petitioner which point towards his complicity.

6. This Court has considered rival submissions addressed before this Court.
7. It is a case of recovery of non-commercial quantity of contraband from co-accused of the petitioner. The petitioner, no doubt, has been nominated on the basis of a disclosure statement which *ipso facto* cannot be said to be substantial piece of evidence but having regard to the fact that some of the call details tend to show that the petitioner had exchanged calls with the co-accused and otherwise has a record of having been involved in a large number of cases, this Court does not find any special case for grant of anticipatory bail.
8. The petition, as such, is dismissed. However, in case the petitioner surrenders before the trial Court within 10 days from today and moves an application for grant of regular bail, the learned trial Court shall endeavour to dispose of the same at the earliest preferably within a period of less than one week of filing of such application.

23.9.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No