

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-9184-2022

Date of Decision: 04.03.2022

Mohit Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Davneet Sangwan, Advocate, for the petitioner.

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**Through Video Conferencing**

**JASGURPREET SINGH PURI, J. (Oral)**

The present petition filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.124 dated 06.02.2022, under Section 21B of NDPS Act, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

The learned counsel for the petitioner has submitted that in the present case the petitioner has been falsely implicated and he was not named in the FIR and there was a recovery of 6.10 grams of smack from the other co-accused namely Saurabh Bakshi and in fact the name of the petitioner was nominated later on, on the basis of a disclosure statement made by the abovesaid co-accused. He further submitted that disclosure statement is not admissible in evidence and, therefore, the petitioner may be considered for the grant of anticipatory bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy

Advocate General, Haryana has submitted that he has received advance copy of the present petition and he has also sought instructions. He submitted that the petitioner had in fact sold the aforesaid 6.10 grams of smack to the co-accused and the petitioner does not have clean antecedents and in another FIR No.498 dated 27.12.2021, the petitioner was caught with 12 grams of smack. He further submitted that the petitioner is habitual in trading and selling smack to other persons and the actual source from where the smack was brought is required to be ascertained and for that purpose the custodial interrogation of the petitioner is required.

I have heard the learned counsel for the parties.

In the present case although the name of the petitioner was nominated on the basis of disclosure statement but considering the antecedents of the petitioner whereby as per the learned State counsel, he was caught alongwith 12 grams of smack earlier, the arguments raised by the learned State counsel that for the purpose of elicitation of truth pertaining to the source of the smack needs to be ascertained by way custodial interrogation thus carry weight.

Therefore, finding no merits in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

04.03.2022

rakesh

Whether speaking  
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No  
: Yes/No