

**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-21891-2022****Date of decision : 20.05.2022****Naresh****...Petitioner****Vs.****State of Haryana****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Navneet Jindal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.59 dated 11.03.2022 under Section 21-B Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Ding, District Sirsa, who apprehends his arrest at the hands of Police.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Sirsa, Haryana in the order dated 11.05.2022 are as under:-

“It is case of prosecution that on 11.03.2022, a police party headed by ASI Ram Niwas apprehended main accused Sukhbir Singh and Sandeep in the area of village Bhavdeen when they were standing near Bharat Angel Play School with Hero Deluxe motor-cycle No.HR-44H-5254 alongwith two more persons, who after seeing the police party ran away from the spot. After complying with the mandatory provisions of the Act, their search was conducted and from the left pocket of the pant of Sukhbir Singh alias Bagga 10 grams heroin contained in a poly pouch was recovered. On interrogation both the accused disclosed that they have purchased the recovered heroin from Ved Parkash and Naresh Kumar, present petitioner (who ran away from the spot after seeing the police).”

Learned counsel for the petitioner has argued that the alleged recovery of ten gram of heroin was effected from Sukhbir Singh @ Bagga,

who was arrested on the spot and petitioner has been falsely implicated. He submits that the recovery is only of 10 gram of heroin from his co-accused, therefore, his custodial interrogation may not be necessary, particularly when the petitioner is willing to join the investigation. He prays for anticipatory bail.

During the course of hearing, it is not disputed by learned counsel for the petitioner that as per prosecution, petitioner escaped from the place of recovery along with another accused and two persons were arrested on the spot. Further, the petitioner is involved in another case of similar nature and one more case under the Gambling Act, 1867, but according to him, in those cases, he is on bail.

After hearing learned counsel for the petitioner and considering the above background, this Court does not find it to be a fit case for extending the concession of pre arrest bail to the petitioner, because as per prosecution, petitioner had come to deliver the narcotic substance to the accused-Sukhbir Singh from whom the same has been recovered. In this background, the custodial interrogation of the petitioner may be necessary.

Resultantly, without meaning any expression or opinion on the merits of this case, no case is made out for grant of extra ordinary concession of pre-arrest bail to the petitioner.

Dismissed.

(MANOJ BAJAJ)
JUDGE

20.05.2022

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No