

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

CRM-M-23243 of 2022(O&M)

Date of Decision: 29.10.2022

Pardeep Dahiya

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. P.S. Sekhon, Advocate
 For the petitioner.**

Mr. Parveen Kumar Aggarwal, DAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 405 dated 05.04.2022, registered under Sections 17-C, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Sadar Hisar, District Hisar.

Reply by way of affidavit of Lalit Dalal, Deputy Superintendent of Police, STF Unit, Hisar is taken on record.

The counsel for the petitioner submits that the FIR in this case was registered on the basis of secret information and the police arrested Rakesh and Ghevar Ram on the basis of said secret information on 05.04.2022 and as per the allegations appearing on the record 8 Kg 250 grams of opium was recovered from the car in which said Rakesh and Ghevar Ram were travelling. The counsel for the petitioner further submits that as per prosecution version the said two persons disclosed to the police

that even the present petitioner was also involved in the drug trafficking along with them. The counsel for the petitioner further submits that the alleged disclosure made by co-accused Rakesh and Ghevar Ram is not admissible against the present petitioner. The counsel further contends that the petitioner is having no criminal antecedents and he is ready to join the investigation.

The present petition is contested by State counsel who submits that the petitioner was also named in the FIR but he was not found present at the spot when 8 Kg 250 grams of opium was recovered from co-accused Rakesh and Ghevar Ram who were travelling in a car. The State counsel further submits that aforesaid commercial quantity of contraband was recovered in presence of a Gazette Police Officer and that the petitioner is required by the police for proper investigation of the case.

I have considered the submissions made by counsel for the parties.

The present case is relating to recovery of commercial quantity of contraband and the petitioner was also named in the FIR based on secret information and resultantly co-accused Rakesh and Ghevar Ram were apprehended at the spot and from whom 8 Kg 250 grams of opium was recovered by the police. Today the State counsel has also apprised the Court that aforesaid Ghevar Ram is now absconding after his escape from the police custody. Further rigors of Section 37 of the Act are applicable to the present case as the present case involves recovery of huge quantity of opium covered under commercial category. The custodial interrogation of the petitioner is necessary for the proper and effective investigation with regard

to origin and destination of the contraband which was recovered from co-accused Rakesh and Ghevar Ram.

In view of the above, this Court is of the opinion that the petitioner is not entitled to get concession of discretionary relief of anticipatory bail. So, the present petition is hereby dismissed being devoid of merits. However, observations made hereinabove are not to be considered as an expression of opinion on the merits of the case.

29.10.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No