

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

CRM-M-26884-2022
Reserved on 02.08.2022
Pronounced on: 05.08.2022

Krishan Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Tejas Bansal, Advocate, for
Mr. Sanjiv Kumar Aggarwal, Advocate, for the petitioner.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

HARNARESH SINGH GILL, J.

The petitioner seeks grant of anticipatory bail in case bearing FIR No. 266 dated 10.04.2022, registered under Sections 186, 189, 332, 341, 342, 353 IPC and Section 21 of the NDPS Act, at Police Station City Sirsa, District Sirsa.

While pleading the petitioner's false implication in the above noted FIR, it is contended by the learned counsel for the petitioner that the manner in which the alleged search was conducted by the police personnel is highly doubtful; that when the police had already obtained the search warrants, there was no need for them to come in plain/civil clothes; the alleged act of the petitioner having thrown a packet and running inside his house, is also unbelievable as there was no cause for him to do so, especially when the police personnel were in civil clothes and that too without his knowledge; that the version in the FIR that the petitioner and his family members had got the house locked from outside, is highly improbable; that the allegations of the police personnel having been given beatings by the petitioner and the crowd gathered there, are totally false and the

alleged recovery of 7.24 gram heroin is planted upon the petitioner. It is further submitted that co-accused Satpal, Sanjay Kumar, Soni Ram and Vimal @ Bimla, have already been granted the concession of bail by the learned Additional Sessions Judge, Sirsa and that the petitioner be also granted said relief on parity basis.

On the other hand, learned State counsel while referring to the status report, would vehemently submit that the house of the petitioner was raided on a secret information of gambling in the house of the petitioner; that when the police party reached the house of the petitioner, he was standing outside the house and upon seeing the police party, he threw a black colour polythene and went inside the house; that ASI Rajesh Kumar, placed the said polythene in his pocket and went inside the house; that there were three females and seven males inside house; that when the police asked for the search of the house, they started scuffling with the police personnel and the females of the house even started tearing their clothes; that the house was got locked from outside; that upon hearing the noise, around 40 people gathered on the spot and started giving beatings, including fist blows to the police personnel and tearing their clothes and that the people preparing videos with mobile(s), had threatened the police personnel that they would get them involved in the cases of 376 IPC.

The learned State counsel further submits that not only this, the police personnel were confined in the house of the petitioner by the petitioner and co-accused and they fled the scene, whereupon the police personnel called Incharge of Police Post Subzi Mandi, who along with other police officials reached the spot opened the door and that thereafter, a Gazetted Officer was called, in whose presence the polythene containing contraband (heroin) was opened and on weighment it came to 7.24 gram. It is, thus, submitted that the custodial interrogation of the petitioner is necessary.

I have heard the learned counsel for the parties.

The petitioner is pleading innocence on the basis of self imposed probabilities, whereas the fact remains that the raid was conducted at the house of the petitioner and the petitioner and the co-accused, had indulged in obstructing the police personnel from discharging their official duties and also caused beatings to them. Apart from that the petitioner was also found to have thrown away a black colour polythene bag in which 7.24 gram heroin was found. The manner, the police personnel were locked in the house and the petitioner along with the co-accused fled the scene, does specifically spell the chain of events and negates the theory of false implication propounded by the petitioner.

The petitioner cannot derive any help from the orders passed by the learned Additional Sessions Judge, Sirsa, granting bail to co-accused, as the allegations against the co-accused are only obstructing the police personnel in discharge of their official duties and causing beatings to them. Allegations against the petitioner are also of throwing the polythene containing the contraband. Thus, this Court feels that the custodial interrogation of the petitioner is required.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

05.08.2022
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No