

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

**224**

**CRM-M-34538-2022 (O&M)**

**Date of Decision: 24.08.2022**

AJAIB RAM ALIAS JAIBA

...Petitioner

Versus

STATE OF HARYANA

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. DS Virk, Advocate  
for the petitioner.

Mr. Ashok Singh Chaudhary Addl. AG Haryana.

\*\*\*\*

**HARNARESH SINGH GILL, J.(Oral)**

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.270 dated 25.06.2022, registered at Police Station Cheeka, District Kaithal, under Sections 18-C and 29 NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner, who is a physically handicapped by one leg, has falsely been implicated in the present case, and that the petitioner has been indicted in the present case on the disclosure statement of co-accused Bachni Devi from whom recovery of 112 gram opium had been effected.

On the other hand, learned State counsel submits that he does not intend to file status report and argue the matter straight away. He contends that the petitioner has specifically been named in the disclosure statement of the co-accused and that, if granted the concession of anticipatory bail, the petitioner would indulge himself in similar crime again.

I have heard the learned counsel for the parties.

In the present case, co-accused, namely, Bachni Devi, was arrested at the spot, along with 112 gram opium and she in her disclosure statement has specifically named the petitioner.

The NDPS Act is a self-contained statute which specifically deals with menace of drugs. Stringent provisions have been provided therein for dealing with such cases. The ground that the petitioner was named in the disclosure statement is itself cannot be the sole consideration for grant of pre-arrest bail. A deeper probe is required to unearth the modus operandi and chain of supply. Further, as to whether it is a case of false implication or not, would be a subject matter of investigation.

The Hon'ble Supreme Court in Criminal Appeal No.1005 of 2002 titled State of Haryana Vs. Samarth Kumar, decided on 20.07.2022, has held that advantage of the fact that no recovery was/is to be effected from the petitioner and that the petitioner has been indicted on the disclosure statement of the co-accused, as held in Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1, can be taken into consideration while dealing with the regular bail application or at the time of final hearing after conclusion of the trial.

In view of the above, no ground is made out to grant the concession of anticipatory bail to the petitioner.

Dismissed.

**24.08.2022**

Aman Jain

**(HARNARESH SINGH GILL)**  
**JUDGE**

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