

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

207

CRM-M-34517-2022

Date of Decision: 26.08.2022

Shish Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. D.P.S.Bajwa, Advocate, for the petitioner.

Mr. Arun Beniwal, DAG, Haryana,
assisted by SI Atma Ram.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.237 dated 13.06.2022 at Police Station Uchana, District Jind, under Sections 20/61/85 of the NDPS Act.
2. The FIR in question was lodged pursuant to receipt of a secret information to the effect that Dharambir indulged in sale of narcotic substance and that he was standing near a grocery shop at Village Khatkard for supplying narcotic substance. Pursuant to receipt of said information, a raid was conducted and the police party was able to nab the aforesaid Dharambir from whose possession 2 Kgs. of *Ganja* was recovered. It is further the case of the prosecution that during the course of interrogation, aforesaid Dharambir suffered a disclosure statement on 14.06.2022 to the effect that he had purchased 2 ½ kgs. of *Ganja* for an

amount of Rs.10,000/- per kilogram from his father-in-law Shishpal (petitioner).

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case on the basis of alleged disclosure statement of his son-in-law, which would hardly carry any evidentiary value and that he was neither present at the spot nor any recovery was ever effected from him and that as such, he deserves the concession of anticipatory bail particularly in view of the fact that the recovered contraband would fall within the category of 'non commercial' quantity.
4. Learned State counsel has informed that the petitioner is not involved in any case under the NDPS Act, but was previously involved in two other cases i.e. one under the Gambling Act and another for an offence under Section 323 IPC.
5. Learned counsel for the petitioner has, however, submitted that the said cases were registered way-back in the years 1994 & 2006 and that the petitioner stands acquitted in the said cases.
6. Pursuant to a query, which had been put to the State on 05.08.2022, learned State counsel has submitted that there is nothing on record as regards call details record of Dharambir so as to connect the petitioner with Dharambir.
7. In view of the aforestated position, wherein the petitioner is not stated to be involved in any other case under the NDPS Act and has been nominated in the present case on the basis of a disclosure statement, this Court finds that it is not a case where custodial interrogation of the petitioner would be warranted. The petition, as such, is accepted and the

petitioner, in the event of his arrest, shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

26.08.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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