

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

108

**CRM-M-41275-2022
Date of Decision : 09.09.2022**

Lovely

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Amit Choudhary, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.311 dated 18.06.2022 registered under Section 21-B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Sadar Fatehabad, District Fatehabad.

As per prosecution version, on 18.06.2022, the police party headed by ASI Roshal Lal, on the basis of suspicion, apprehended accused Chhinder Pal, who is riding motorcycle bearing registration No.HR229-5520, within the area of Police Station Sadar, Fatehabad. On search, a plastic pouch containing 6.12 grams of heroin was recovered from him. During interrogation, accused Chhinder Pal disclosed the name of the petitioner from whom he purchased the recovered heroin.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused Chhinder Pal. The petitioner

was not apprehended on the spot and nothing was recovered from him. The main accused-Chhinder Pal, from whom the contraband was recovered, has already been granted regular bail by the Trial Court vide order dated 07.07.2022. Learned counsel for the petitioner further submits that on the same day the Investigating Agency also implicated the petitioner in another case FIR No.336 dated 18.06.2022 registered under Sections 21-B and 27-A of the NDPS Act on the basis of disclosure statement of co-accused Sunny. In the said case, the petitioner was already granted anticipatory bail by the Coordinate Bench of this Court vide order dated 24.08.2022. Petitioner has been arrayed as accused on the basis of disclosure statement of his co-accused, which is a very weak type of evidence. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Himmat Singh, D.A.G., Haryana, who is present in the Court, accepts notice and vehemently opposed the grant of anticipatory bail to the petitioner.

I have heard learned counsel for the parties and gone through the record.

Keeping in view the facts and circumstances of the case, the fact that the main accused Chhinder Pal, from whom the contraband was recovered, has already been granted regular bail by the Trial Court vide order dated 07.07.2022, the contraband recovered falls under the category of non-commercial quantity and the fact that there is no other evidence against the petitioner at this stage except the disclosure statement, but without commenting upon the merits of the case, the

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

It is made clear, in case the petitioner fails to join the investigation, then the State could be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

09.09.2022
Kothiyal

(ASHOK KUMAR VERMA)
JUDGE

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