

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

204

CRM-M-42270-2022

Date of Decision: 23.09.2022

Shatrughan Khanna

...Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Mohan Singh Chauhan, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Sanjay Vashisth, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 22 and 29 of the NDPS Act, 1985, in FIR No.368, dated 01.08.2022, registered at Police Station Mahesh Nagar, District Ambala.

Reply filed by learned State counsel is taken on record. Copy thereof supplied to learned counsel for the petitioner.

In Para No.5 and 6 of the reply, specific stand has been taken about the evidence available with the prosecution. In fact, as per police investigation, present petitioner and the main accused Vipin Bihari, both were found in contact regularly on the day of the recovery of the 192 capsules of Spasmo Proxyvon Plus. Said call details for the period from 18th July to 31st July are also attached as Annexure R-1.

Para No.4, 5 and 6 of the reply are reproduced hereunder:-

“4. That after registration of the case, the second investigating officer SI Hoshiar Singh No.151/A Anti Narcotic Cell, Ambala came to the spot and thereafter, the investigation of the present case was carried out by SI Hoshiar Singh No.151/A, and IO prepared rough site plan of place of recovery and thereafter, necessary compliance of Section 52-A, 55 and 57 of NDPS Act were complied with. Thereafter, IO recorded statement of witnesses and thereafter, the co-accused was put behind the police lock up.

5. That during investigation, on 02.08.2022, the co-accused Vipin Bihari suffered disclosure statement and apart from the other facts, he has disclosed that he has purchased the recovered capsules from the accused-petitioner through his mobile phone bearing number 94964-46827 with the mobile phone of accused-petitioner bearing number 98021-04466 and was purchasing the intoxicated capsules for supply to the persons/ drug addicted. The disclosure statement was reduced into writing, signed by co-accused and attested by the witnesses.

6. That thereafter, during investigation, Call Details Record CAF/ID of the both the mobile Nos.94964-46827 and 98021-04466 was obtained by the IO and on the basis of Call Details Record, it has been revealed that the accused-petitioner Shatrughan Khanna and co-accused Vipin Bihari were in regular connected through their mobile phones and thereafter, Section 29 of NDPS Act was added in the case and IO tried to apprehend the accused-petitioner but the accused-petitioner could not be arrested as he was hiding him at unknown place. The copy of Call Details Record is annexed as Annexure R-1.”

After going through the reply filed by the State and the evidence of activity of both the accused i.e. Shatrughan Khanna (petitioner) and Vipin Bihari, who is the main accused, from whom the recovery was effected, I do not find any reason to grant concession of anticipatory bail to the petitioner.

Dismissed.

(SANJAY VASHISTH)
JUDGE

23.09.2022

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No