

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

**CRM-M-42277-2022 (O&M)
Date of decision: 22.09.2022**

Suba Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parminder Singh, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

CRM-35972-2022

Application is allowed as prayed for. Annexures P-3 and P-4 are taken on record.

Main case:

Through this petition, the petitioner seeks anticipatory bail in case FIR No.218 dated 03.06.2022, registered under Sections 21 (c), 22(c) of the NDPS Act, at Police Station Nissing, District Karnal.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner is a labourer by profession; that the petitioner was not named in the FIR, but he was indicted in the present case on the disclosure statement of the co-accused and that the petitioner has neither travelled with the co-accused for Delhi and nor he went to Saraswati Vihar Delhi during his life time.

Notice of motion.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. AG Haryana, accepts notice on behalf of the respondent-State.

Learned State counsel submits 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 in similar crime again.

I have heard the learned counsel for the parties.

In the present case, co-accused Krishan @ Bittu was apprehended at the spot and the alleged recovery of 30 strips of Tramadol Capsules and 180 strips of Alprasafe-0.5 tablets, was effected from him and he in his disclosure statement had 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 in 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.

(HARNARESH SINGH GILL)
JUDGE

22.09.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No