

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-49123-2021 (O&M)
Date of Decision:-31.8.2022

Manjeet ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pratap Singh Gill, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana
assisted by PSI Kuldeep Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 209 dated 8.9.2021 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Garhi, Jind District Jind.
2. The case of the prosecution, in nutshell, is that on 8.9.2021 one Sumit @ Somit was apprehended by the police and from whose possession 1000 tablets of Tramadol were recovered. It is further the case of prosecution that during the course of interrogation, said Sumit disclosed that he had been procuring the said tablets from one Sandeep. Sumit was asked by the Investigating Officer to make a telephone call to said Sandeep and to ask him to supply another consignment of the tablets. Accordingly, a call was made

by Sumit and said Sandeep upon receipt of call proceeded to deliver the said consignment of 1500 tablets to Sumit. Police apprehended the said Sandeep as well while he was on his way and recovered 1500 tablets of Tramadol. During the course of interrogation of said Sandeep, he disclosed that he has been sourcing the said tablets from the present petitioner.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by one Sandeep who himself has been nominated on the basis of disclosure statement of one Sumit. It has been submitted that the petitioner is a farmer by profession and has nothing to do with the alleged recovery of contraband from co-accused.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner has specifically been named by the co-accused Sumit from whom huge quantity of contraband has been recovered, his complicity is clearly evident. The learned State counsel has informed that pursuant to interim directions, the petitioner has joined investigation but he is not cooperating inasmuch as he has not furnished any information from where he had procured the said tablets or as to whom else he had supplied such contraband. The learned State counsel has, however, informed that the petitioner is not involved in any other case and that though call details record had been examined but nothing could be found so as to connect the petitioner with the co-accused, as has been specifically mentioned in the reply filed by the State in the shape of affidavit of Shri Jitender Singh, Deputy Superintendent of Police, Jind Headquarter, Jind.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was never apprehended at the spot nor any recovery was effected from him, even when he came to be arrested later pursuant to disclosure statement made by co-accused. The veracity and admissibility of such disclosure statement would be debatable. The petitioner otherwise has joined investigation. Though, the learned State counsel has submitted that the petitioner is not cooperating inasmuch as he has not disclosed the source from which he had procured the said tablets and the names of such persons to whom he had supplied the said contraband, but since the petitioner is denying the said facts of his being involved in such like case, he cannot be forced to make any such like statements since the same would virtually be self-inculpatory. In any case, since the petitioner otherwise has a clean record and the only evidence, as on date, is a disclosure statement made by co-accused against him and the call details record does not connect him with the co-accused, this Court finds the present case to be a fit case for grant of anticipatory bail.
7. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 24.11.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

31.8.2022

kamal

**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No