

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

CRM-M- 46273-2022

Date of Decision: 10.10.2021

Sunil @ Chhotu

...Petitioner

Versus

State of Haryana

...Respondents

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.D.S.Virk, Advocate for the petitioner

Mr.R.K.Singla, DAG, Haryana

ASHOK KUMAR VERMA, J.

Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.771 dated 12.9.2022 under Sections 21, 29, 61, 85 of the NDPS Act registered at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioners, *inter alia*, submits that the petitioner has been falsely implicated in this case. The petitioner is not named in the FIR. The petitioner is sought to be implicated on the basis of disclosure statement made by co-accused. Nothing has been recovered from the petitioner. Even otherwise, the alleged quantity of 7 grams of heroin alleged to have been recovered from the co-accused Mukesh Kumar is of non-commercial quantity. The co-accused has already been granted regular bail. Bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in

other two cases. In support of his submission, learned counsel relies on the judgment of the Hon'ble Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012 (2) SCC 382**. Learned counsel for the petitioner submits that moreover, nothing is to be recovered from the petitioner. He is already ready and willing to join investigation.

Notice of motion.

On the asking of the Court, Mr.R.K.Singla, DAG, Haryana accepts notice on behalf of the State of Punjab.

Learned counsel for the State vehemently opposes the grant of anticipatory bail to the petitioner on the ground that two more FIRs under the NDPS Act are also registered against the petitioner which shows that he is a habitual offender.

I have heard learned counsel for the parties and gone through the paper-book. Apparently, the petitioner is not named in the FIR and no recovery has been effected from the petitioner. He is sought to be implicated only on the basis of disclosure statement made by the co-accused who has already been granted regular bail.

Considering overall facts and circumstances of the present case, this petition is disposed of with a direction to the petitioner to join investigation and remain present for investigation, as and when called for. In the event of his arrest, the petitioner shall be released on bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the conditions as specified under Section 438 (2) Cr.P.C. In case the petitioner fails to adhere to the terms and conditions as envisaged in this

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order, the State would always be at liberty to revive this petition by filing an application in this regard.

(ASHOK KUMAR VERMA)

JUDGE

10.10.2022

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No