

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

211

**CRM-M-52311 of 2021
Date of Decision:18.02.2022**

Deepak Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vikas Bishnoi, Advocate,
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.278, dated 16.08.2021, having been registered at Police Station Sadar Hansi, alleging therein the commission of an offence punishable under Section 20 of the NDPS Act, 1985 (with Sections 20C and 27-A of the NDPS Act, 1985, added later).

The reply filed by the DSP, Hansi, dated 08.02.2022, is ordered to be taken on record.

It is stated therein that the petitioner having joined investigation pursuant to the order of this court, he has disclosed that he had purchased the

Ganja as was recovered from one Surender @ Mini, from one Parveen.

Learned counsel for the petitioner submits that though the petition filed by a co-accused of the petitioner, i.e. Rekha, has been dismissed by this court on 11.02.2022, on the ground that it was not just the alleged disclosure statement made by the aforesaid Surender @ Mini, to the effect that he had purchased the *Ganja* from Rekha, but also because there were call details found to have been exchanged between them at the relevant time; however in the case of the petitioner there are no call details at all between him and Rekha or between him and Surender @ Mini, and as regards the DSPs' assertion that the petitioner disclosed the name of one Parveen from whom he had purchased the *Ganja* and sold it to Rekha, he in fact does not know any Parveen at all.

He further submits on query of this court that the petitioner has been implicated in the matter only on an alleged disclosure statement made by Rekha in police custody and as a matter of fact it is so because the petitioner is also an accused in another FIR registered, on account of which the police are wanting to involve him in the present case also.

Without making any comment on the actual merits of what has been contended on both sides, but in the opinion of this court, with there being no other evidence against the petitioner presently, other than an alleged disclosure statement made in police custody and with counsel for the petitioner denying that he ever disclosed the name of any Parveen during the course of his interrogation after he had been directed to join investigation (though with no comment made on that contention), in my opinion he has made out a case for being be admitted to bail even in terms of Section 37(1)(b)(ii) of the NDPS Act, 1985.

Consequently, again without making any comment on the actual merits of the case, the petition is allowed, with the order dated 15.12.2021 made absolute on the same terms and conditions.

February 18, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No