

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

Sr.No.201

CRM-M No.48862 of 2019

Date of Decision: 10.02.2022

Sarwan

...Petitioner

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arvind Pal Singh, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.277 dated 08.07.2019 registered at Police Station Azad Nagar, Hisar, under Sections 15 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the present case, are that on 08.07.2019, on receipt of a secret information regarding the petitioner and his co-accused Sultan having been indulging in the sale of poppy husk, SI Yudhvir Singh, along-with some other police officials, was going towards the disclosed place and on their way, they saw the Car bearing registration No.HR-48A-1505 coming. On noticing

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the policy party, its (Car's) driver tried to turn it back. When the police officials tried to apprehend the driver and the other occupant of the Car, its driver managed to escape from the spot whereas his companion was nabbed and he disclosed his name as Sultan and also informed that the petitioner was the driver of the Car. The search of the said vehicle resulted in the recovery of total 47 kg *poppy husk* whereas the personal search of accused Sultan led to the recovery of 300 gm *opium*.

Status-report has already been filed on behalf of the respondent-State, by way of the affidavit of Additional Superintendent of Police, Hisar.

I have heard learned Senior counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

It is pertinent to mention here that vide the order dated 18.11.2019, as passed by the Co-ordinate Bench in this petition, the petitioner was extended the relief of interim bail with a direction to join in the investigation.

However, learned State counsel, on the instructions from ASI Inder Singh from the above-said Police Station, apprises the Court that though, the petitioner joined in the investigation but he did not co-operate with the Investigating Agency and is also involved in other cases of the similar nature. These facts find mention in paras No.6 and 7 of the Status-report also and in para No.8 therein, it has categorically been deposed that the custodial interrogation of the petitioner is required to elicit the

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information regarding the source from where/whom, he purchased the contraband and the *modus operandi* adopted by him for this purpose.

Faced with this situation, learned Senior counsel for the petitioner contends that the petitioner had been picked up by the police officials from his house during night hours on 07.07.2019 and when his wife moved application Annexure P-1 to Hon'ble the Chief Justice in this regard, the police falsely implicated him (petitioner) in this case and in two (02) more cases whereas he has no concern with the alleged recovery of the contraband and in these circumstances, he deserves the relief as prayed for in this petition.

Per-contra, learned State counsel argues that the petitioner had escaped from the spot at the time of the recovery of the said contraband and the afore-said Car belongs to his mother and moreover, he (petitioner) is also involved in two (02) more cases of the similar nature and therefore, this petition be dismissed.

A perusal of Annexure P-1 as well as its vernacular version (at page No.35 in the paper-book) reveals that these do not bear any date. Therefore, it cannot be ascertained as to when this application had been sent. Rather, the report of the dealing official, as sent by learned State counsel through *email*, reveals that Annexure P-1 had been received in this Court on 15.07.2019 whereas the FIR was registered on 08.07.2019. It being so, no credence can be attached to the facts as narrated therein, at this stage. Even otherwise, in case the petitioner had been picked up by the police officials from his house on the said date, i.e 07.07.2019, then,

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no material is available on the file to show as to how he managed to get himself released from their custody. Even a perusal of the *superdari*/ release order, pertaining to the above-said Car, reveals that it had been released in favour of Bhagwani wife of Amar Singh, who happens to be the mother of the petitioner.

To add to it, in paras No.11 and 13 of the petition itself, the petitioner has disclosed about his involvement in two (02) more cases of the similar nature. Though, he claims that he has been falsely implicated in these cases after his wife moved the above-said application Annexure P-1 but however, the truthfulness of his said plea would be the subject matter for consideration and adjudication before/by the trial Court at the relevant stage after appreciation and evaluation of the evidence that may be led on the record during the course of the trial.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

10.02.2022
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>