

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

(101)

**CRM-M-5205-2023
Date of Decision: 02.02.2023**

Dharmender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S. S. Kanwar, Advocate, for the petitioner.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.488 dated 31.12.2022 for the offence under Section 20/29 of NDPS Act, registered at Police Station, Beri, District Jhajjar.

Learned counsel for the petitioner submits that the petitioner has been implicated merely on the basis of disclosure made by the co-accused namely Hansraj @ Bholu who was apprehended at the spot on 21.12.2022. He further submits that the credibility of the disclosure made by Hansraj has to be evaluated at the time of trial and at this stage there is no other evidence to connect the petitioner with the alleged offence, thus, he deserves the concession for grant of anticipatory bail.

On the other hand, learned State counsel has opposed the prayer made at the instance of petitioner while submitting that besides the disclosure made by Hansraj, the investigating agency has been able to lay its hands upon the call details of the petitioner who has been continuously in touch with the Hansraj and has been actively involved in commission of offence arising out of the FIR in question. Learned State counsel also relies upon the decision

made by Hon’ble Supreme Court in case of **State of Haryana Vs. Samarth Kumar, 2022(3) R.C.R. (Criminal) 991.**

I have heard learned counsel for the parties and gone through the paper book as well as the law cited at the bar.

The present petition is not a simple case wherein the petitioner has been implicated merely on the basis of disclosure made by the co-accused namely Hansraj. From the information provided to this Court by the learned State counsel there are repeated calls made at the instance of petitioner with the accused namely Hansraj and the matter in question thus, requires his custodial interrogation. More than that, even the decision rendered by Hon’ble Supreme Court in case of **Samarth Kumar’s case (Supra)**, also places a caution upon the grant of anticipatory bail in the NDPS cases merely on the basis of disclosure statement made by the co-accused. Thus, finding no merit in the present petition, the same is hereby dismissed.

Dismissed accordingly.

(HARKESH MANUJA)
JUDGE

02.02.2023
anil

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No