

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6172-2023

Date of Decision: 17.04.2023

RAJAT @ RAJAT KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr. Raghav Sharma, Advocate for the petitioner
Mr.Rajiv Sidhu, Deputy Advocate General, Haryana

Deepak Sibal, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.01 dated 01.01.2023 registered under Sections 15, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) at Police Station Kurukshetra Universtiy, District Kurukshetra.

Briefly stated, the case of the prosecution is that on 01.01.2023, on the basis of secret information the police arrested Jasbir Singh @ Jassi and Sohan Lal @ Sonu; from their conscious possession 50 kgs. 500 grams of poppy straw was recovered; their interrogation revealed that the recovered drugs were being transported on the asking of the petitioner; search of the vehicle in which the drugs had been recovered resulted in the recovery therefrom of the petitioner's driving license and that further

investigation revealed that before the recovery of drugs the petitioner was in constant touch with Jasbir Singh @ Jassi and Sohan Lal @ Sonu on telephone.

On the basis of above, the petitioner was also nominated as an accused.

Learned counsel for the petitioner contends that the petitioner has been nominated as an accused only on the basis of disclosure statements of co-accused in police custody which statements have no evidentiary value; the petitioner was not arrested at the spot and that no drugs have been recovered from the petitioner.

Per contra learned State counsel submits that the petitioner's custodial interrogation is required as during their interrogation both Jasbir Singh @ Jassi and Sohan Lal @ Sonu have specifically stated that the recovered drugs were being transported at the behest of the petitioner; the petitioner has 02 other cases under the NDPS Act pending against him; the petitioner's driving license was found in the truck from which the drugs were recovered; the call details between the petitioner and co-accused Jasbir Singh @ Jassi and Sohan Lal @ Sonu clearly reveal that all 03 were in constant touch with each other before recovery of the drugs in question and that the owner of the truck from which the drugs have been recovered has also stated before the police that it was the petitioner who had hired the truck.

Learned counsel for the petitioner as well as learned State counsel have been heard and with their able assistance record of the case has also been perused.

Commercial quantity of the drugs has been recovered from a truck in which the co-accused Jasbir Singh @ Jassi and Sohan Lal @ Sonu were found present; during the course of their interrogation both co-accused Jasbir Singh @ Jassi and Sohan Lal @ Sonu have allegedly stated that it is at the behest of the petitioner that they were carrying the recovered drugs; allegedly before the drugs were recovered by the police there are several calls exchanged between the petitioner and both the afore named co-accused; the petitioner is involved in 02 other cases under the NDPS Act; the petitioner's driving license has been allegedly recovered from the truck from which the drugs have been recovered and that the owner of the truck has allegedly stated before the police that it was the petitioner who had hired the truck in question.

In the light of the above this Court is of the opinion that the petitioner's custodial interrogation is necessary.

Dismissed.

17.04.2023
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No