

CRM-M-37548-2023

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

CRM-M-37548-2023 (O & M)
Date of decision: 21.08.2023

BHARAT BHARDWAJ

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ravinder Hooda, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

CRM-33899-2023

1. Allowed as prayed for. Annexure P-4 is taken on record,
subject to all just exceptions.

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2. Through this petition, the petitioner seeks anticipatory bail in
case bearing FIR No.96 dated 19.02.2023, registered at Police Station Old
Industrial Area, Panipat, District Panipat, under Section 22(c) NDPS Act.

3. Learned counsel for the petitioner contends that the petitioner
has falsely been implicated in the present case; that the petitioner was
neither named in the FIR nor arrested at the spot, and that the petitioner has
been indicted on the disclosure statement of co-accused, namely, Shubham
Joshi, who was also not named in the FIR. It is further submitted that co-
accused, namely, Nitin was arrested at the spot whereas co-accused,
namely, Shubham Joshi was arrested subsequently; that recovery has
already been effected from both the aforesaid co-accused, and that there is

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no other case registered or pending against the petitioner, at least of a similar nature.

4. Notice of motion.

5. On the asking of this Court, Mr. Rupinder Singh Jhand, Addl.

A. G. Haryana, accepts notice on behalf of the respondent-State, and submits that co-accused Nitin was apprehended at the spot and recovery of 40 injections of Buprenorphine 2 ml. each had been effected from him; that on the disclosure statement of Nitin, co-accused, namely, Shubham Joshi was apprehended and recovery of 1000 injections of Buprenorphine 2 ml. each and 200 injections of Avil 10 ml. each had been effected from him. It is further submitted that the petitioner has been indicted in the present case on the disclosure statement of co-accused, namely, Shubham Joshi. It is further submitted that the petitioner, co-accused Shubham Joshi and one Vishal had received 1500 intoxicating injections from Delhi. It is further submitted that custodial interrogation of the petitioner is necessary for effecting the recovery of intoxicating injections and carrying out further investigation to identify and prosecute the accused involved in the drug menace.

6. I have heard the learned counsel for the parties.

7. As per the prosecution version, the petitioner, Shubham Joshi and one Vishal had received 1500 injections of Buprenorphine 2 ml. each from Delhi. Out of the aforesaid intoxicating injections, 40 injections have been recovered from co-accused, Nitin and 1000 injections recovered from co-accused, Shubham Joshi. Though the petitioner has neither been named in the FIR nor arrested at the spot, yet the fact remains that co-accused,

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Shubham Joshi, who has also been indicted on the disclosure statement of co-accused Nitin, has also got recovered 1000 intoxicating injections. To the mind of this Court, case of the petitioner is similarly situated to that of co-accused, Shubham Joshi.

8. The drug menace is a serious invasion in the social structure, which needs to be curbed with heavy hands. In the considered opinion of this Court, the petitioner is required for custodial interrogation to effect the recovery of intoxicating injections and to take the investigation to its logical conclusion.

9. In view of the above, this Court does not find any merit in the present petition.

10. Dismissed.

21.08.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No