

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M No.37732 of 2023 (O&M)
DATE OF DECISION: 03rd AUGUST, 2023

Ravinder Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Satbir Singh Gill, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.148 dated 17.07.2023 registered under Sections 21(B), 29 and 61 of NDPS Act, 1985 at Police Station Odhan, District Sirsa.

2. It is submitted by the counsel for the petitioner the case against the petitioner is totally concocted. He is not involved in the crime as alleged against him. His name has been sought to be dragged in the case only on the basis of alleged disclosure statement made by the co-accused, namely, Ravi Shankar @ Badal from whom 19.4 grams of heroin was recovered by the police. The co-accused has wrongly named the petitioner on account of village rivalry because the petitioner and the said co-accused belong to the same village. Still further, even as per the said disclosure statement, there is no other material which could be recovered from the petitioner. The petitioner is not involved in any other

case. Therefore, the petitioner deserves concession of anticipatory bail to the petitioner.

3. Notice of motion.

4. Mr. Krishan K.Chahal, Addl. Advocate General, Haryana with ASI Subhash Chander, accepts notice on behalf of the respondent/State and has submitted that the name of the petitioner has duly surfaced during interrogation in the disclosure statement of the co-accused from whom the heroin has been recovered. The investigation is at the initial stage. Therefore, the custodial interrogation of the petitioner would be required. However, it is not disputed that even the said co-accused has not said in the disclosure statement that there is any material available with the petitioner which could be recovered by the police. It is also not disputed that there is no other case against the petitioner.

5. In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

03rd AUGUST, 2023
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(RAJBIR SEHRAWAT)
JUDGE

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