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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M 38500-2023
Date of Decision 07.08.2023*Sandeep Kumar**.....Petitioner**versus**State of Haryana**...Respondent***Coram Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Paras Talwar, Advocate for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 308 dated 02.04.2023, registered under Sections 21, 29, 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Civil Lines, Sirsa (Annexure P1).

It is submitted by counsel for the petitioner that case against the petitioner is totally concocted for the reasons that the investigating officer of the case is inimical towards his father as both of them are serving in the police department. Even as per the case of the prosecution, the name of the petitioner is sought to be involved on the basis of disclosure statement of the co-accused from whom the contraband is alleged to have been recovered. Even in the said disclosure statement, the only allegation against the petitioner that the petitioner had provided the contraband to the co-accused for selling the same in the market. The petitioner is not required for investigation. Nothing is to be recovered from the petitioner. Even another

case was registered after registration of the present FIR but in that case, the petitioner has already been granted concession of anticipatory bail and in that case, it was not disclosed by the police that the present FIR has also been registered against the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts notice on behalf of the respondent State.

Counsel for the State, on instructions from ASI Maninder Singh has submitted that there are direct allegations against the petitioner. As per the disclosure statement, the petitioner is the supplier of the contraband material to the co-accused, who had been deputed for selling the same in the retail. The petitioner is also involved in three more cases, all under the NDPS act itself. Therefore, it cannot be said that the petitioner is not involved in the present case. The investigation is at the initial stage. The are to unearth the true dimensions of the crime being committed by the petitioner. The custodial interrogation of the petitioner is required.

In view of the above mentioned facts and circumstances of the case, as well as submissions made by counsel for the State, this Court does not find it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner, at this stage.

Dismissed.

(Rajbir Sehrawat)
Judge

August 07, 2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No