

CRM-M-41164-2023

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108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41164-2023
Date of Decision: 21.08.2023

Mukesh Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vineet Chaudhary, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.136 dated 07.06.2023, registered under Sections 20(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Rajaund, District Kaithal.
2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per allegations of the police, the name of the petitioner has surfaced only in the disclosure statement of the co-accused, who himself was named by the another co-accused; from whom 5 Kgs. of Ganja Patti was recovered. Therefore, the petitioner has been involved in the present case only on the basis of the disclosure statement without there being any supporting material. The other two co-accused have already been granted bail pending trial. Despite that, the police have not been able to collect the material connecting the petitioner to the alleged crime. There is no other case against the petitioner. The petitioner undertakes to join the investigation as and when so required by the police. Therefore, the petitioner deserves to be

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protected against his arrest.

3. Notice of motion.
4. Mr. K.K.Chahal, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.
5. Learned counsel for the State, on instructions from ASI Kamaljeet, has submitted that the petitioner is the main supplier of the consignment. It has come in the statement of the arrested co-accused that the petitioner had supplied the material for an amount of Rs.50,000/-, which was paid to the present petitioner by the co-accused, namely Neeraj. However, it is not disputed that except the disclosure statement of the co-accused, no material has so far surfaced to connect the petitioner to the alleged crime. It is also not disputed that there is no other case against the petitioner.
6. In view of the above, but without commenting upon merits of the case, the present petition is disposed of by granting concession of anticipatory bail to the petitioner. 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.

(RAJBIR SEHRAWAT)
JUDGE

21.08.2023
adhikari

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