

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-47561-2023 (O&M)
Date of decision: 22.11.2023

BINDER

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Navneet Jindal, Advocate for the petitioner.

Mr. Vishal Malik, DAG Haryana.

SANJIV BERRY. J. (Oral)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR as under:

FIR No.	Dated	Sections	Police Station
202	08.08.2023	21(b) NDPS Act	Ding, District Sirsa, Haryana

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case and was not named in the FIR. He submits that in fact the Police had apprehended accused Suresh Kumar @ Golla from whom recovery of 26 grams of heroin was effected and it is on the basis of his alleged disclosure statement that the petitioner has been nominated in the present case, despite the fact that the petitioner has no concern whatsoever with the alleged transaction.

3. Learned State counsel has filed status report dated 20.11.2023 in the form of an affidavit of Assistant Superintendent of Police, Sirsa, District Sirsa. The same is taken on record. Copy thereof has been supplied to learned counsel

for the petitioner. While referring to the same, learned State counsel has submitted that the petitioner has been nominated as an accused on the basis of disclosure statement of accused Suresh Kumar @ Golla, who was apprehended by the Police and recovery of 26 grams of heroin was effected from him. He submits that custodial interrogation of the petitioner is required to ascertain the source of contraband.

4. Heard.

5. Considering the averments made in the petition and also the fact that the recovery effected from the accused Suresh Kumar @ Golla does not fall within the purview of commercial quantity, the present petition is allowed and the petitioner is directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

6. The petition stands allowed.

(SANJIV BERRY)
JUDGE

22.11.2023

S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/ No*