

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

**Neutral Citation No. 2023:PHHC:132911
CRM-M-49209-2023
Date of Decision: October 12, 2023**

Nirmal Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Parminder Singh, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.608, dated 12.09.2023, under Section 15(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Shahbad, District Kurukshetra.

2. As per allegations, 10.5 Kg. of poppy husk was recovered from the possession of co-accused Kirpal Singh, who in his disclosure statement nominated the petitioner to be the supplier.

3. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated. Earlier also, he was involved in two other cases bearing FIR No.227, dated 03.08.2022, under Section 15/29 of the NDPS Act, registered at Police Station Ismailabad, District Kurukshetra; and FIR No.358, dated 17.08.2022, under Section 15/29 of the NDPS Act, registered at Police Station Sadar Pehowa, District Kurukshetra, and in both the cases, the petitioners has already been allowed bail, vide Annexures P-3 and P-4. Learned counsel contends that in both the cases, recovery was not effected from the petitioner and he had been nominated on the basis of disclosure statement.

4. Notice of motion.
5. Mr. Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of respondent-State.
6. Learned State counsel has drawn attention towards the order dated 10.09.2023 (Annexure P-5) passed by learned Judge, Special Court, Kurukshetra, whereby the bail petition of the petitioner for similar relief has been declined, in which it was observed that there were as many as 68 calls exchanged between the petitioner and co-accused from the period 01.06.2023 to 12.09.2023.
7. Having regard to the criminal antecedents of the petitioner and regular calls exchanged between the petitioner and co-accused, this Court is of the view that without custodial interrogation of the petitioner, truth will not come out. Therefore, this case is not a fit case for granting the relief of anticipatory bail.

As such, present petition is dismissed.

October 12, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No