

103

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M 52043-2023
Date of Decision 18.10.2023*Rajesh Kumar alias Rajesh alias Gaggi**.....Petitioner**versus**State of Haryana**...Respondent***Coram Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Kushager Goyal, Advocate for the petitioner

-.-

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. 251 dated 27.09.2023, registered under Sections 21(b)/61 of the Narcotic Drugs and Psychotropic Substances Act 1985 at Police Station Ding, District Sira (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and frivolous. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the name of the petitioner has been unnecessarily dragged in the case only on the basis of the disclosure statement made by the the co-accused. Except the disclosure statement, there is nothing against the petitioner. The petitioner shall join the investigation as and when called for by the police. Therefore, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General,

Haryana accept notice on behalf of the respondent – State.

It is submitted by counsel for the State, on instructions from ASI Sumit Kumar that the name of the petitioner has specifically been mentioned by the co-accused, from whom 07 grams of heroin has been recovered. As per the disclosure statement, the petitioner is a supplier of the contraband material recovered from the said co-accused. The investigation is at the initial stage. The police are to unearth the true dimensions of the involvement of the petitioner in the trade of the contraband material, including his participation in the present crime. Therefore, the custodial interrogation of the petitioner is imperative in this case. Not only that, there are two more cases against the petitioner, out of which, one is under the NDPS Act. Hence, the petitioner does not deserve to be protected against his arrest.

In view of the facts and circumstances available on the file, as well as, the abovesaid submissions made by counsel for the State, this Court does not find it to be a case, where concession of grant of anticipatory bail should be extended to the petitioner.

Dismissed.

(Rajbir Sehrawat)
Judge

October 18, 2023
mohan bimbura

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No