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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M 52136-2023
Date of Decision 19.10.2023*Deepak**.....Petitioner**versus**State of Haryana**...Respondent***Coram Hon'ble Mr. Justice Rajbir Sehrawat**

Present: Mr. Tejas Bansal, 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. 564 dated 16.08.2023, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Sirsa City, District Sirsa (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false, frivolous and concocted. The petitioner is not involved in the crime at all. 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 of the co-accused, from whom a small quantity of heroin has been recovered. Beyond that, the Police have not been able to find out any material to connect the petitioner either to the said co-accused or to the material, recovered from him. 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 accepts notice on behalf of the respondent – State.

Counsel for the State, on instructions from ASI-Sandeep Kumar, has submitted that the name of the petitioner has surfaced directly from the disclosure statement of the co-accused, who has been arrested along with the contraband material at the spot. The said co-accused has specifically deposed before the Police that he had purchased the recovered material from the petitioner. The investigation is at the initial stage. Therefore, the Police are to find out the participation of the petitioner in the drug trade, particularly, the extent of his involvement in this crime. Hence, the custodial interrogation of the petitioner is imperative in the case. It is also pointed out by counsel for the State that there is another case against the petitioner as well, under the NDPS Act itself.

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

Dismissed.

(Rajbir Sehrawat)
Judge

October 19, 2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No