

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.203

Case No. : CRM-M-55034-2022

Date of Decision : January 06, 2023

Ram Singh

.... Petitioner

vs.

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Aman Mittal, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in a case bearing FIR No.193 dated 30.03.2022, under Sections 22-C, 29(1), 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25, 54 and 59 of the Arms Act, registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner states that the petitioner is implicated in the instant case on the basis of disclosure statement and no recovery was effected from the petitioner. The petitioner also moved an application under Sections 91 and 92 Cr.P.C. for preservation and summoning the Call Detail Records (CDR) of Mobile No.94663-29831 belonging to co-accused Om Singh and Mobile No.94683-33008 belonging

to SHO Om Parkash Chugh.

It is further submitted that the petitioner and co-accused Om Singh are the informers of the police. On 29.03.2022, co-accused Om Singh visited SHO Om Parkash Chugh at his residence and there was regular conversation between them from 27.03.2022 to 30.03.2022. It is not probable that an accused and a police official would have such conversation in regular manner. Since Om Singh failed to pay the amount of gratification to the SHO Om Parkash Chugh, they both were implicated in the false case and name of the petitioner was nominated on the alleged disclosure statement of Om Singh, made on 31.03.2022.

Learned counsel for the petitioner further submits that the petitioner is ready to join investigation, as and when required and he is having no previous criminal record. Therefore, concession of anticipatory bail be granted in his favour.

On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner submitting that commercial quantity of psychotropic substance was recovered from the possession of the co-accused Aashish along with one country-make pistol. As per disclosure statement of the co-accused Aashish, petitioner was nominated in the instant case. He made statement that he was known to the petitioner Ram Singh, who was doing the work of selling intoxicant tablets and he used to call the petitioner Ram Singh on his Mobile No.9355553453 from his two Mobile Nos.8860093707 and 7082860110.

It has further been submitted by learned State counsel that on identification of co-accused Aashish, co-accused Surender Kumar and Om Singh were arrested. Both of them suffered their separate disclosure

statements that on the asking of the petitioner Ram Singh, after taking the bag of narcotic substance, one illicit pistol and a cartridge from the roof of the house of the petitioner, they handed over the said bag to co-accused Aashish.

I have heard learned counsel for the parties in detail and also perused the case file.

The allegations levelled against the petitioner are quite serious. The menace of drug is eating the basic framework of the society like a termite. The evidentiary value of the disclosure statement cannot be seen at this stage as held in the case of State of Haryana vs. Samarth Kumar reported as 2022(3) RCR (Criminal) 991.

Keeping in view the gravity of offence, I am of the view that custodial interrogation of the petitioner is necessary. The petitioner is not entitled to the concession of anticipatory bail.

Dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

January 06, 2023

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**(GURBIR SINGH)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>