

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

214

CRM-M-15614-2024(O&M)
Date of Decision:- 22.04.2024

HARNEK SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Karandeep Singh, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

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 (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
32	02.03.2024	21 and 29 of the NDPS Act	Sadar Fazilka, District Fazikla

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case on the basis of disclosure statement of co-accused from whom recovery of 70 grams of heroin was effected. He contends that the petitioner cannot be implicated on the basis of disclosure statement as the same has no

evidentiary value in the eyes of law, hence prayed for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply submitted by the State has strongly assailed the version of the petitioner by arguing that the role of the petitioner is mentioned in the FIR itself of being the pillion rider of the motorcycle ridden by co-accused, who were signalled to stop. On seeing the police party, the co-accused, riding the motorcycle got perplexed and the motorcycle slipped. The petitioner managed to run away from the spot, while the co-accused was apprehended by the police with 70 grams of heroin. He submits that the custodial interrogation of the petitioner is required, as such, prayed for dismissal of the bail petition.

4. After considering the rival contentions and perusing the record, it transpires that as per the FIR, the petitioner is mentioned to be the pillion rider of the motorcycle, ridden by co-accused Manjit Singh, who on seeing the police party got perplexed, due to which the motorcycle slipped. Co-accused Manjit Singh was apprehended by the Police along with the said contraband, while petitioner-Harnek Singh, specifically mentioned in the FIR, ran away from the spot, who has been evading arrest since then. In these circumstances, it is not the case that the petitioner has been nominated only on the basis of disclosure statement of co-accused, but his name specifically figures in the FIR. The recovery of contraband having been effected from the co-accused, who was riding the motorcycle along with the petitioner, certainly the custodial interrogation of the petitioner is required to unearth the source of contraband.

5. In these circumstances, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.
6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

22.04.2024

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No