

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-23490-2024 (O&M)

Date of Decision:- 09.07.2024

CHANDER SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Akshay Kumar Dahiya, Advocate
for the petitioner.

Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

By way of the present petition filed under Section 438 Cr.P.C
the petitioner is praying for anticipatory bail in the event of arrest in FIR
detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
101	03.05.2023	20 NDPS Act	Sanoli, District Panipat

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in the case. He
contends that the petitioner was nominated on the alleged disclosure
statement made by the co-accused Bharat Bhushan and Gautam @ Gullu



from them recovery of 1kg 200 grams of *charas* was effected. He submits that petitioner is not having any other criminal case and is ready to join the investigation, as such he prays for grant of concession of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel has opposed the bail petition by arguing that the petitioner was nominated on the basis of the disclosure statement made by co-accused Bharat Bhushan and Gautam @ Gullu from whom recovery of *charas* weighing 1kg 200 gram was effected, wherein it is stated that they had bought the said *charas* from the petitioner. Learned State counsel referring to reply dated 03.07.2024 submits that CAF/CDR of mobile numbers of the accused have been examined and it was found that the mobile No. 8449804414 is registered in the name of Pankaj s/o of Chander Singh (petitioner) and 9729190371 is registered in the name of Bharat Bhushan (co-accused) and both of them were in constant touch with each other from 05.04.2023 to 02.05.2023 (Annexure R-5). Learned State counsel further contends that the *charas* weighing 1kg 200 gram recovered from the co-accused falls within the purview of commercial quantity and by virtue of Section 37 of the NDPS Act, the petitioner is not entitled to concession of bail and prayed for dismissal of the anticipatory bail petition.

4. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, on 03.05.2023, a police party headed by SI Sandeep were at Sanoli Bus Stand, received a secret information that Bharat Bhushan and Gautam @ Gullu are coming on motorcycle from U.P side and having intoxicant substance, finding



information trustworthy, barricading was done at Yamuna Bridge, Opposite Hanuman Temple, after some time a motorcycle was spotted with two persons, the same was stopped. The person riding the motorcycle told his name as Bharat Bhushan and the pillion rider as Gautam @ Gullu, and on suspicion, their bag was searched and *charas* weighing 1kg 200 grams was recovered from them. Both the co-accused in their disclosure statement nominated petitioner from whom the narcotic substance was bought. As per reply dated 03.07.2024 co-accused and the petitioner were in constant touch with each other on mobile phone from 05.04.2023 to 02.05.2023 (Annexure R-5).

5. Therefore, considering the fact that the petitioner and the co-accused were in constant touch with each other coupled with the fact that the recovery of contraband falls within the purview of commercial quantity, and to unearth the *modus operandi* of the selling and purchase of the contraband, custodial interrogation of the petitioner is required.

6. Resultantly, no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

09.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |