

103 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-19780-2024 (O&M)
Date of Decision: 23.04.2024

Dinesh Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Raman Chawla, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No. 70 dated 28.03.2024 registered under Sections 20 & 20 (C) of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Julana, District Jind.

2. Allegations are that 50.300 kg of Ganja was recovered from the possession of co-accused Deepak and Manoj.

3. Learned counsel contends that petitioner has been falsely implicated in the present case merely on account of the fact that he is having some discordant relations with the Police officer i.e. ASI Anil, who is stated to be the Investigating Officer. Also contends that in the present case, no contraband was recovered from the petitioner.; rather he has been nominated on the basis of disclosure made by co-accused (Deepak and Manoj) after the seizure of contraband. Also contends that petitioner is ready to join the investigation, but he be protected.

4. *Per contra*, learned State counsel, after obtaining instructions, opposed the prayer while submitting that petitioner is facing another case under

the NDPS Act and in the present case, he has been specifically named as the supplier. Also submits that recovery is commercial in nature; thus, his custodial interrogation would be required to know the true facts. Further submitted that there is possibility of petitioner's likelihood to repeat similar offence; hence he does not deserve the concession of pre-arrest bail.

5. Heard learned counsel for the parties and perused the paper-book.

6. There is no dispute that petitioner is specifically named in the FIR as accused No.3. Of course, at the time of recovery, it is not clear that he was present on the spot. There is no dispute that petitioner is facing another case under the NDPS Act; thus, his credentials are not clean. Moreover, the investigation is at initial stage; hence custodial interrogation of petitioner is very much necessary.

7. In view of the above, this Court is not inclined to grant him the concession of pre-arrest bail.

8. Consequently, there is no option, except to dismiss the present petition.

9. Ordered accordingly.

10. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

23.04.2024

SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No