

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-29940-2024
Date of Decision: 14.06.2024

Sarif

...Petitioner

V/s

State of Haryana

...Respondent

CORAM : HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Namit Khurana, Advocate, for the petitioner.
Mr. Amit Aggarwal, DAG, Haryana.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C”) is for grant of pre-arrest bail in the FIR, the details of which are tabulated as under:-

FIR No.	Dated	Police Station	Section/s
46	21.01.2024	Sector-32-33, Karnal, District Karnal.	22-C, 29 NDPS Act, 1985.

2. On 21.01.2024, a secret information was received by the police to the effect that Rakib Ali, Parshant Garg and the present petitioner i.e. Gopal alias Sarif were carrying on the business of narcotic substances in a godown. As per the information, all the three persons were present in the godown and if a raid was conducted, they could be nabbed. Accordingly, a raid was conducted and Rakib Ali and Parshant Garg were apprehended from the spot. 117120 capsules of tramadol and 217800 tablets of alprazolam were recovered. The instant FIR was registered. Rakib Ali and Parshant Garg



suffered disclosure statement/s that they were carrying on joint business of purchasing and selling of tramadol and alprazolam tablets along with the present petitioner.

3. Learned counsel for the petitioner has strenuously urged that the petitioner has been falsely implicated. He submits that on the relevant date i.e. on 21.01.2024, he was not even present in India as he was travelling to Dubai. Reference in this regard has been made to the travel details placed on record as Annexure P-2. He further submits that the amount alleged to have been transferred by the petitioner to Parshant Garg was on account of purchase of a vehicle and was not on account of any dealing with regard to narcotics. He also submits that no godown had been taken on rent by the petitioner along with the co-accused.

4. Learned counsel has also referred to the order dated 29.05.2024 passed by a coordinate Bench in CRM-M-25519-2024, wherein in a petition for the grant of pre-arrest bail moved by the petitioner, the petitioner has been granted interim protection. Learned counsel has read out the order and has stated that reference in the said order was also made to the instant FIR and the stand taken by the present petitioner. Learned counsel submits that the petitioner has clean antecedents and has been falsely implicated by the police in two FIRs within a span of few days. Learned counsel submits that under the circumstances, the present petition deserves to be allowed.

5. On the other hand, learned counsel representing the State of Haryana, has, with equal vehemence, opposed the bail application stating that the petitioner is a part of an organized gang involved in the sale of narcotics and that there is sufficient evidence on the record of the investigating agency to connect the petitioner with the co-accused Rakib Ali and Parshant Garg,



who are currently in custody. Learned counsel submits that if the petitioner is granted anticipatory bail, it will adversely affect the ongoing investigation and the chances of the petitioner absconding can also not be ruled out.

6. Having considered the submissions made by learned counsel for the parties, this Court does not find any reason to extend the concession of anticipatory bail to the petitioner. The Court of Special Judge, Karnal has elaborately dealt with the matter and has found that a statement of one Raj Kumar had been recorded by the investigating agency, stating that he had rented out his shop/godown to the present petitioner at a rent of Rs.2000/- per month. The police is also stated to be in possession of bank account statement/s of the petitioner and the co-accused Parshant Garg, as per which Rs.3 lakhs were transferred by the present petitioner in the bank account of Parshant Garg and subsequently, Parshant Garg transferred more than Rs.2 lakhs in the bank account of a company for the purchase of tramadol capsules. The petitioner could not produce any document before the investigating agency to even *prima facie* show that he had agreed to purchase some vehicle from Parshant Garg and that he had transferred a sum of Rs.3 lakhs to the bank account of Parshant Garg.

7. Notably, 117120 capsules of tramadol and 217800 tablets of alprazolam were recovered from Rakib Ali and Parshant Garg from the premises which is stated to have taken on rent by the petitioner. The quantity is much above the commercial quantity prescribed by the Act.

8. Under the circumstances, in the considered opinion of this Court, custodial interrogation of the petitioner would be imperative to elicit the truth and, therefore, finds absolutely no reason to extend the concession of anticipatory bail to the petitioner.

9. In view of the aforementioned facts and circumstances, I do not find any merit in the present petition and the same is accordingly dismissed.

(VIKRAM AGGARWAL)
JUDGE

June 14, 2024
vcgarg

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No