

CRM-M-31918-2024

[1]

107

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31918-2024

Date of decision: 08.07.2024

Sachin

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Madan Sandhu, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 221 dated 04.06.2024, registered under Sections 22 (C) and 29 of Narcotic Drugs and Psychotropic Substances Act (for brevity, the NDPS Act) at Police Station Narnaund, District Hisar.

2. The allegations in nutshell are that police apprehended co-accused Monu @ Bunty and recovered 350 strips of Tramadol Hydrochloride SR Tablets IP-100 mg each containing 10 tablets and 78 strips of Lorazepam Tablets IP-2 mg each having 30 tablets. The name of the petitioner surfaced in the disclosure statement made by aforesaid Monu @ Bunty, who disclosed that the aforesaid tablets were supplied to him by petitioner Sachin. Resultantly, the petitioner was nominated as accused in the present case.

3. The counsel for the petitioner, *inter alia*, contends that the

petitioner who is a authorized Pharmacist is falsely implicated in the present case on the basis of alleged disclosure statement made by the co-accused. The counsel for the petitioner further submits that the aforesaid disclosure statement will be tested during trial. The counsel for the petitioner further submits that the petitioner is ready to join the investigation with the police. The counsel for the petitioner placed reliance on **Tofan Singh Vs. State of Tamil Nadu (2021) 4 SCC 1**, in support of his contentions.

4. The present petition is resisted by the State counsel who submits that commercial quantity of contraband has been recovered from co-accused Monu @ Bunty and the name of the petitioner appeared in his disclosure statement. The petitioner cannot take benefit of decision of Hon'ble Supreme Court in **Tofan Singh's case** (supra). In support of his contentions, the State counsel referred to the ratio laid down by Hon'ble Apex Court in **State of Haryana Vs. Samarth Kumar, 2022(3) RCR(CrI.) 991**. The State counsel further submits that the custodial interrogation of the petitioner is necessary for proper investigation of this case.

5. I have considered the submissions made by counsel for the parties.

6. There is no doubt that the FIR in this case was registered against co-accused Monu @ Bunty from whom the police is stated to have recovered commercial quantity of medical intoxicants and as such strict provisions of Section 37 of the Act are applicable to the instant case. The name of the petitioner surfaced in the disclosure statement made by co-accused Monu @ Bunty. In the light of the law laid down in **Samarth Kumar's case** (supra), the relevancy and admissibility of the disclosure

CRM-M-31918-2024

[3]

statement made by co-accused against the present petitioner cannot be considered at this initial stage. Further, this Court is of the view that the custodial interrogation of the petitioner is necessary for proper and effective investigation of the case.

7. In light of the above, the present petition is hereby dismissed. However, observations made hereinabove are not to be construed as opinion on the merits of the case.

08.07.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**