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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41531-2024 (O&M)
Date of Decision:- 25.09.2024

AJAY ALIAS AJJU

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Vikas Bishnoi, Advocate for the petitioner.
Ms. Gaganpreet Kaur, DAG Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case
FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
221	29.05.2024	15 and 27-A of the NDPS Act	Fatehabad, District Fatehabad

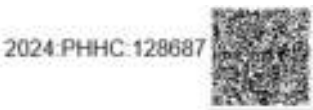
2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the petitioner has no concern whatsoever with the alleged recovery of contraband effected from co-accused Parmod Kumar. He contends that petitioner is not named in the FIR but has been nominated in the alleged disclosure statement of co-accused Parmod Kumar, claiming to



have purchased the same from the petitioner. He submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report submitted by State and also the call details mentioned therein, has stated that the petitioner had been actively associated with co-accused Parmod Kumar, who was apprehended along with the contraband by the police. She has referred to the call details between the petitioner and co-accused Parmod Kumar and submitted that on the date of alleged recovery, there had been 26 calls between the petitioner and co-accused Parmod Kumar. She contends that the petitioner is also having another NDPS case registered against him besides two more criminal FIRs, and the custodial interrogation of the petitioner is required to unearth the supply chain. Hence prayed for dismissal of petition.

4. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on the basis of secret information, co-accused Parmod Kumar was apprehended while carrying a white plastic bag on his shoulder containing poppy-husk. During the course of his interrogation, he made a disclosure statement that he had been purchasing the contraband from the petitioner, who is his friend. Accordingly, the petitioner was nominated in the case. From the perusal of the status report submitted by the State, it is evident that the petitioner had been in constant touch with co-accused Parmod Kumar on his mobile phone and interestingly, on the date of recovery from co-accused, there had been



26 calls exchange between them. In these circumstances, the disclosure statement coupled with large number of phone calls between the petitioner and co-accused, signal towards active participation of the petitioner in the supply of narcotics for which his custodial interrogation is certainly required.

5. Therefore, considering the nature and gravity of offence, 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

25.09.2024
S.Sharma(syr)

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