

S. No.227

2024:PHHC:001661

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59080 of 2023

Date of Decision:09.01.2024

Pargat Singh @ Kali

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sumeet Singh Brar, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.342 dated 26.09.2023 registered under Section 21(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Kalanwali, District Sirsa, Haryana.

Reply by way of affidavit of Shri Gurdial Singh, HPS, Deputy Superintendent of Police, Kalanwali, District Sirsa has already been filed on behalf of the respondent- State.

As per allegations, 6.50 grams of heroin was recovered from the possession of co-accused Rajat Kumar @ Rinka, who in his disclosure statement, nominated the petitioner to be the supplier.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated on the basis of disclosure statement of the co-accused, which is not admissible; that no recovery was effected from the petitioner; and that he is ready to join the investigation.

Learned State Counsel opposed the petition on the ground that petitioner is involved in various other cases as per the detail given in para No.5 of the reply to the petition.

Heard.

Perusal of the reply would reveal that though the petitioner is involved in ten cases but only one of them pertain to the NDPS Act.

In response to this, learned counsel for the petitioner contends that petitioner is on bail in the case pertaining to the NDPS Act.

Having regard to the afore-said circumstances and the fact that no recovery has been effected from the petitioner in this case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail by the Investigating Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

January 09, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No