

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-58475-2023

Aman

....Petitioner

Vs.

State of Haryana

....Respondent

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Reserved On.: 06.03.2024  
Pronounced On: 11.03.2024  
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CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. D.P.S. Bajwa, Advocate  
for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

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DEEPAK GUPTA, J.

Prayer in this petition filed under Section 438 Cr.P.C is for grant of anticipatory bail in case FIR No.180 dated 12.04.2022 under Sections 20, 27-A, 29 of NDPS Act, 1985 registered at Police Station Kalanaur, District Rohtak.

2. Status report filed by way of affidavit of Sh. Sandeep Kumar, Deputy Superintendent of Police, Meham, District Rohtak has been filed.

3.1 As per state case, secret information was received by police party headed by ASI Anil on 12.04.2022 to the effect that Satish, resident of Jind, a supplier of Narcotics substance, was coming from the side of Beri road in vehicle bearing Registration No. HR-16X-3768 model KIA Seltos with narcotics substance and going towards Meham and if check-post is set up, he could be apprehended. Necessary notice under Section 42 of the NDPS Act was sent. A check-post was set up at the college turn, Kalanaur. After some

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time, the vehicle in question was seen coming from the Beri road. ASI Anil tried to stop the vehicle with the help of other officials, but the driver broke the check-post and fled towards Meham. Police party chased him. However, driver of the vehicle KIA Seltos left the vehicle in the pits by side of the road near railway crossing and fled away from the spot. Upon search of the vehicle, 11 plastic bags, containing 20 kg each of ganja i.e. total 220 kg ganja, were recovered from the boot of the vehicle. After making necessary formalities, recovered contraband was taken into possession and on the basis of rukka sent to the police station, FIR in question was registered.

3.2 Status report further reveals that on 24.04.2022, driver of the aforesaid KIA Seltos car namely, Satish was arrested. On interrogation, he suffered disclosure statement, as per which the vehicle was provided to him by Virender @ Ravinder, who had asked him to bring Ganja from Jagdalpur, Chhatisgarh to village Putthi, District Hisar and had offered to pay him ₹40,000/- per trip. One Vijay s/o Raje had provided him ATM, which was to be given to brother of Monu, on reaching the destination. Satish further disclosed that Aman (*petitioner herein*), Ankit, Pota and JP were to guard his KIA Seltos car. Satish disclosed further that he accompanied Mohit from Bus Stand, Jind in KIA Seltos car and along with him went to Jagdalpur, Chhatisgarh and brought 220 kg. Ganja. On the way Ankit also occupied the KIA Seltos car and when they reached at Kalanaur Railway Crossing, he left the car in roadside ditches after seeing the police party and at that time Mohit and Ankit were also with him.

3.3 On the basis of aforesaid disclosure statement, Virender @ Ravinder and Jai Parkash @ J.P. were arrested. It is further mentioned that call

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detail records of mobile number 72177-40435 of petitioner Aman were collected besides the call detail records of co-accused Virender @ Ravinder, Jai Parkash @ J.P., Vijay, Mohit @ Gogi & Satish and all of them were in contact with each other, which was also confirmed from the tower location details.

3.4 On 05.09.2022, co-accused Mohit @ Gogi was arrested and his disclosure statement revealed that on 08.04.2022, he, Jai Parkash @ J.P., Aman (*petitioner*), Ankit, Parveen @ Pota had given ₹75,000/- each for purchasing 30 Kg Ganja each; whereas, Virender @ Ravinder had given ₹50,000/- for purchasing 20 Kg Ganja and that all this amount was given to Vijay. Vijay had given ₹1,25,000/- for purchasing 50 Kg of Ganja.

5. It is contended by learned counsel that petitioner has been falsely implicated; that he is not named in the FIR; that his name has surfaced only in the disclosure statement of the co-accused, who was arrested later on; that there is no independent evidence to connect the petitioner with the crime; that he is ready to join the investigation and so, in all these circumstances he be allowed pre-arrest bail.

6. Strongly opposing the petition, learned State counsel submits that petitioner is a member of a gang dealing in the smuggling of narcotics and that having regard to the role of the petitioner, which has surfaced during the investigation, his custodial interrogation is very necessary. Learned State counsel submits that role of the petitioner has been confirmed not only in the disclosure statement made by the co-accused but also from the call detail records of the petitioner and the co-accused revealing that they were in conversation with each other at the relevant time and said fact is further confirmed from the tower location details. As per investigation, petitioner had

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accompanied the co-accused so as to bring the contraband. Prayer is made for dismissal of the petition.

7. Having considered submissions of both the sides and the role attributed to the petitioner, as surfaced during the investigation, but without commenting anything on the merits of the case, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner, as his custodial interrogation may be necessary so as to unearth the entire truth and reach at the bottom of the case, inasmuch as from the evidence collected so far, petitioner appears to be a member of gang involved in smuggling of the contraband.

Dismissed.

(DEEPAK GUPTA)  
JUDGE

March 11, 2024

Neetika Tuteja

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |