

2024:PHHC:077490



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

CRM-M-60098-2023 (O&M)
DATE OF DECISION:-29.05.2024

Krishn @ Krishan

...Petitioner.

Vs.

State of Haryana

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Balvinder Sangwan, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (Oral)

CRM-23337-2024

Application is allowed as prayed for. Document (Annexure P-3) is taken on record, subject to all just exceptions.

Main case

1. By way of present petition filed under Section 438 Cr.P.C., prayer has been made for grant of pre-arrest bail to the petitioner, in case FIR No.759 dated 27.10.2023 registered under Sections 21(c), 22(c) of NDPS Act, 1985 at Police Station City Palwal, District Palwal wherein, he has been implicated on the basis of disclosure statement made by Ravi, from whom 14 injections of *Buprenorphine* (2 ml each), 15 injections of *Diazepam* (2 ml each), 20 bottles of *Kuffcare-T syrup* (100 ml each), 920 tablets of *Alprazolam* and 120 capsules of *Tramadol* were recovered.

2. On the other hand, learned State counsel opposes the prayer made

on behalf of the petitioner while referring to the huge recovery of contraband involved in the case in hand and there being whatsapp chat between the petitioner and aforementioned Ravi.

3. I have heard learned counsel for the parties and gone through the paper book.

4. In the present case, petitioner has already joined the investigation in pursuance of orders dated 30.11.2023, 10.01.2024 and 13.03.2024 passed by this Court. Moreover, in the case in hand, at the first instance, one Ravi was apprehended on 27.10.2023 with the alleged recovery of aforementioned contraband, who made his first disclosure statement implicating two persons namely, Sonu Yadav and Kapil, later second disclosure was recorded on 29.10.2023 implicating the present petitioner, however, no recovery was effected from him. It is important to state here that aforementioned Sonu Yadav and Kapil, who were implicated on the basis of first disclosure statement made by Ravi were later exonerated and petitioner was arrayed as an accused on account of disclosure statement besides there being certain mobile/whatsapp conversation between Ravi and petitioner using mobile No.84459-45851. Even later, during investigation, it was found that the aforesaid mobile number was not in the name of petitioner but was owned by one Udey Bir, who was also declared innocent by the investigating agency under the pretext that the said Ravi was working as a driver employed by the petitioner on one of his E-rickshaws and the mobile number was being used by the petitioner.

5. In the aforesaid facts and circumstances, wherein Sonu Yadav, Kapil and Udey Bir all have been exonerated by the investigating agency, the petitioner vide order dated 30.11.2023, was directed to join the

investigation and the petitioner had duly joined the investigation. Petition is allowed. Order dated 30.11.2023 passed by this Court, is hereby made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

29.05.2024

sonika

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No