

CRM-M-57640-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57640-2024
Reserved on:12.12.2024
Pronounced on: 19.12. 2024

Ishyadas Parichhas @ Eshya Das Parichha ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anoop Verma, Advocate, for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
34	13.02.2024	Sector 18, Gurugram, Haryana	20(b)(ii)(c) of the NDPS Act.

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 15 of the bail petition, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	71	22.06.2024	224 IPC	GRP Khurda Road, Cuttak (Orissa)

3. The facts and allegations are taken from the reply filed by the State.

“That the facts leading to registration of the FIR are that on dated 13.02.2024 the police party had received an information to the effect that some persons in car No. DL5CV-4123 used to sell narcotics substance and if raid be conducted, they could be apprehended red handed. On this information, raid was accordingly conducted and the secret informer pointed towards a car Wagon-R coming from the side of Signature Tower. The car was stopped and upon verification of credentials, the driver disclosed his name as Dharmender and two women were sitting on back



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seat who disclosed their names as Devyanti and Sandhya. The driver of vehicle disclosed that the ladies were gratuitous passengers and he had picked them up from new Delhi railway station and was to drop them at Badshahpur Gurugram. The investigator had apprised the ladies regarding the suspicion of some narcotic substance in their possession and issued them a notice under Section 50 of the NDPS Act. The ladies had expressed their willingness to be searched in the presence of a Gazetted officer, and accordingly, information was sent to the said officer who arrived at the spot and a search was thereafter conducted and upon checking of their bags, 24 kg 544 grams of 'Ganja' was found in their possession. ”

4. During custodial interrogation, one of the accused, Devyanti, from whose possession the police had recovered 12.274 kgs of Ganja, confessed before the Police officer that she had purchased the Ganja from the petitioner. Based on such confession before the police, the petitioner was arraigned as an accused.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“8. That during the course of further investigation and on the basis of the cell no. of the petitioner, it is transpired that the same was linked to a bank account maintained at Punjab National Bank in the name of the petitioner. The details of said account were obtained and the analysis of the same reveal that a sum of Rs.34,900/- had been found to be transferred from the Axis Bank Account of Devyanti to the account of the petitioner.

9. That 19.06.2024, the petitioner was arrested from Orissa. He was interrogated while being in custody and upon interrogation, he conceded his involvement in the present crime and disclosed the investigating agency that he had sold that 25kg of Ganja to the arrested accused and had received Rs.34,900/- by mode of electronic transfer and had received Rs.35,000/ in cash. He disclosed that said amount had been spent by him in the treatment of his son. He further disclosed that the mobile phone used by him had been thrown away by him. The true translated disclosure statement of the disclosure statement of the petitioner is being appended here along with the present affidavit for the kind perusal of this Hon'ble Court as ANNEXURE R3.



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10. That the petitioner was produced before the local Court at Orrisa and transit remand was obtained. The police party brought the petitioner to Railway Station at Khurda Road, from where the accused was to be brought by train to Gurugram, however, the petitioner fled from the custody of the Gurugram Police after using force and as a consequence thereof, FIR No. 71 dated 22.06.2024 was got registered at Police Station GRP, Cuttack for the commission of offence punishable under Section 224 of the IPC.

11. That despite best of the efforts on the part of the Gurugram Police and the local Police at Orissa, the petitioner could not be apprehended and is still evading his arrest.”

8. A perusal of the bail petition, the petitioner’s conduct, and the evidence prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would also not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

10. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.12. 2024
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Whether speaking/reasoned: Yes
Whether reportable: No.