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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-57880-2024 (O&M)
Date of decision: 15.01.2025

Ravi Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Satbir Singh Gill, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory
bail to the petitioner in FIR No. 352 dated 22.10.2024, registered under
Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985
(*for short 'NDPS Act'*) at Police Station Kalanwali, District Sirsa.
2. Brief facts of the case relevant for the disposal of the present
petition are that on 22.10.2024, co-accused Lucky Kumar @ Lucky was
apprehended by a police party and recovery of 06 grams and 05 milligrams of
heroin was effected from him. The petitioner has been nominated in this case
on the basis of the disclosure suffered by the said co-accused, wherein he
stated that the recovered contraband was purchased from the present petitioner.

Apprehending his arrest, the petitioner had moved an application for grant of

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anticipatory bail before the Court of learned Additional Sessions Judge, Sirsa but the same had been dismissed, vide order dated 04.11.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in law against the petitioner. Even otherwise, the alleged recovery of the said contraband effected from the co-accused is of small quantity. The petitioner is ready to join the investigation. No recovery is to be effected from him. No useful purpose would be served by detaining him into custody. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has argued that though the petitioner has been nominated in this case on the basis of the disclosure suffered by the co-accused but during the course of investigation, his complicity in the subject crime has been established. The petitioner used to sell contraband to the co-accused and other persons. His custodial interrogation is required for proper investigation in the matter. He is involved in one more case under the NDPS Act. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Lucky Kumar @ Lucky, who was apprehended

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by the police party on 22.10.2024 and from whose custody, recovery of 06 grams and 05 milligrams of heroin was effected. The allegations against the petitioner are that he had supplied the recovered contraband to the co-accused. Admittedly, the quantity of the recovered contraband does not fall within the ambit of commercial quantity. Although the petitioner is shown to be involved in one more case of similar nature but he is on bail in that case. Bail is rule and jail is exception. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by detaining the petitioner into custody. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail subject to the condition that he would surrender before the Investigating Officer within a period of ten days from today and in that eventuality, the Investigating Officer/Arresting Officer shall release him on bail. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of BNSS.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

15.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No