

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

101

CRM-M-1813-2018

Date of decision: 25.01.2018

Virender

...PETITIONER

VS.

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. S.K.Verma, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for grant of anticipatory bail.

On 18.01.2018, when the case came up for hearing, the following order was passed:-

“ It is the contention of the learned counsel for the petitioner that the petitioner is owning a car and plying it as a taxi. It so happens when the petitioner had forbade the dictates of the police authorities for giving the vehicle without any rent and, therefore, his name has been involved in the present case on the basis of the disclosure statement of the accused Jagjit Singh, from whom 64 gms. of smack was recovered. He contends that it is alleged that the said smack was purchased by

the accused Jagjit Singh from the petitioner. However, the petitioner is not involved in the said illegal activities and there is no other case against the petitioner.

Notice of motion.

On the asking of the Court, Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State. Counsel for the petitioner undertakes to supply a copy of the petition to the counsel for the State during the course of the day.

Counsel for the State shall verify the contentions, as have been raised by the counsel for the petitioner, as recorded above.

To come up on 25.01.2018.

To be shown in the urgent list.”

Counsel for the State, on instructions from ASI Chhaju Singh, Police Station Sadar Samana, states that no other case is registered against the petitioner except for the one, in which also although he has not been named but the co-accused Jagjit Singh @ Jagga has disclosed, during the investigation, that he had given a message on Mobile No. 82220-73304 to the applicant-Virender and it is on that the petitioner had delivered smack to him after receiving the money. He contends that the incident is of 29.05.2017 when Jagjit Singh was arrested. The co-accused had stated that he had actually purchased 70 gms. of smack from the petitioner-Virender but by the time it was recovered, it was only 64 gms. left with him. Counsel for the State further submits that on 23.05.2017, seven times there has been conversation on his mobile phone with accused Jagjit Singh @ Jagga and thereafter, on 25.05.2017, one time, on 26/05/2017, 12 times and again on

28.05.2017, six times there has been calls between these two persons. He, on this basis, contends that it cannot be said that the petitioner is not at all involved in the matter and it was merely for engaging a taxi that these calls were made by the co-accused Jagjit Singh @ Jagga. He, on this basis, contends that he being the main person, from whom the smack was purchased by the co-accused Jagjit Singh @ Jagga, custodial interrogation of the petitioner is essential and, therefore, the prayer, as made in the petition, may be not accepted.

Learned counsel for the petitioner contends that the petitioner is only the owner of the car, which was plied as a taxi and no recovery has been effected from him and that no other case is registered against him. Merely the statement of the co-accused, which is recorded in police custody, cannot be made the basis for denying the petitioner the concession of anticipatory bail.

This plea of the petitioner cannot be accepted at this stage and this Court is also satisfied that the custodial interrogation of the petitioner is essential to find out the truth behind the assertions of the co-accused especially when it is alleged that the petitioner is a person who had been supplying the narcotic substance (smack) to the co-accused Jagjit Singh @ Jagga.

The present petition, therefore, being devoid of merits stands dismissed.

January 25, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No