

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

**CRM-M-27516-2018
Date of decision: 12.07.2018**

Govind @ Chet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Jatana. Advocate
for the petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 106 dated 24.05.2018, registered under Sections 21/61/85 of the Narcotic Drugs & Psychotropic Substances Act (*for short 'NDPS Act'*) at Police Station Kalan Wali, District Sirsa.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the police officials received an information that one Govind son of Sher Singh is indulged in the business of selling intoxicating substances and he has one vehicle make Honda Accord bearing registration No. DL-3CAK-3816 and he has gone to Delhi for bringing heroin and will return in village Gadrana. On receiving this information, a notice under Section 42 of the NDPS Act was prepared and sent to Deputy Superintendent of Police, Dabwali for giving intimation through Constable Sube Singh. The police officials were going to Gadrana Lakadwali and on the side of the road one vehicle was found parked and the driver was seen

getting out of the car. When the police party reached near the car, the driver after parking the car in front of a house, ran away from the spot. The police party tried to apprehend him, however, due to darkness, the said occupant of the car could not be nabbed. Thereafter, information was given to DSP, Dabwali who reached at the spot and in his presence, on search of the car, below the driver's seat, one cardboard box of blue and white color, on which Nestle Lactogen was written, was found and opening the said box, 690 Grams of heroin was found. Thereafter, the same was taken in possession. Along with intoxicant, an affidavit in the name of Chet Singh son of Sher Singh resident of Gadrana was also taken in possession through recovery memo regarding selling of the said car to the present petitioner. On the basis of the same, the name of the petitioner surfaced in this case.

Learned counsel for the petitioner submits that neither the petitioner was arrested at the spot nor any recovery was effected in his presence and FSL report is still awaited. Learned counsel for the petitioner further submits that the petitioner is not registered owner of the car from which recovery of 690 Grams of heroin was effected.

Learned State counsel, on instructions from ASI Bharat Singh, has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that as per the documents recovered from the car, it is found that on 12.03.2018, the owner of the car has sold the said car to the present petitioner and has also sworn in an affidavit in this regard, photocopy of the same is placed on record. Learned State counsel has further submitted that the petitioner was earlier involved in five more FIRs, out of which, three FIRs pertain to the cases under the NDPS Act. It is further submitted that in one FIR, the petitioner was acquitted and in one other FIR he was convicted

under the NDPS Act and he is still facing trial in one more FIR whereas he was acquitted in one other FIR which was registered under the provisions of the Indian Penal Code, 1860. Learned State counsel further submitted that during investigation, sufficient evidence has come on record that the occupant of the car was the present petitioner and the recovery effected is of 690 Grams of heroin which falls in commercial quantity.

Learned State counsel has relied upon a judgment rendered in ***Satpal Singh vs. State of Punjab, 2018 AIR (SC) 2011***, wherein Hon'ble Supreme Court has held that the Court, while granting the relief of anticipatory bail, has to form a firm opinion as per the provisions of Section 37 of the NDPS Act.

I have heard learned counsel for the parties.

Since the petitioner, undisputedly, stands convicted in an FIR, registered under the NDPS Act, and is also facing trial in another FIR, I find no ground to grant anticipatory bail to the petitioner as the arguments raised by learned counsel for the petitioner with regard to false implication of the petitioner can only be gone into during the course of trial in view of the fact that the recovery effected from the car is of commercial quantity and as per the investigation and the affidavit sworn in by the original owner, which was recovered from the car, the petitioner has purchased the said car.

In view of the above, this Court does not find any ground to grant anticipatory bail to the petitioner and the petition is dismissed accordingly.

July 12, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*