

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-44583 of 2018
Date of Decision: 31.10.2018

Paramjit Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Riffi Birla, Advocate
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Ms. Riffi Birla, Advocate has put in appearance on behalf of the petitioner and filed her *vakalatnama* in Court, which is taken on record.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.90 dated 02.09.2018 under Sections 15 and 29 NDPS Act registered at Police Station Khuian Sarwar, District Fazilka.

As per the FIR, on 02.09.2018, a police party was going from Village Danewala Shatkosi towards Village Bkainwala and when they reached on the link road of Chowk Danewala and Rupnagar Chowk, they noticed one young man carrying a plastic bag on his head, who was seen in the head light of the vehicle. On seeing the lights of the police vehicle, he tried to run towards the left side of the fields, however, he was apprehended and 20 kg of poppy husk was recovered from him. He

disclosed his name as Deputy Singh. He was arrested. On his interrogation, he disclosed that Paramjit Singh (the petitioner herein) and one Balvir Singh are also working with him and Paramjit Singh has a Swift car, whose registration number he did not remember. He was dropped by Paramjit Singh and Balvir Singh and after dropping him, they had left the spot. It was further disclosed that Paramjit Singh and Balvir Singh had kept in his possession 20 kgs. of poppy husk.

Learned counsel for the petitioner has argued that the petitioner has been named as an accused solely on the basis of disclosure statement of co-accused Deputy Singh, which is not admissible in law and the petitioner has falsely been implicated in the present case.

On the other hand, learned State counsel has filed affidavit of Rahul Bhardwaj, PPS, D.S.P., Sub Division, Abohar, District Fazilka along with the confession memo of Deputy Singh recorded under Section 27 of the Indian Evidence Act, 1872 as well as the recovery memo of another 40 kgs. of poppy husk, which is taken on record.

I have heard learned counsel for the parties.

In the confession memo of the accused Deputy Singh, it has been disclosed that he (Deputy Singh) along with Paramjit Singh (i.e. petitioner) and Balvir Singh, had purchased 60 kgs. of poppy husk from some unknown person and the same was kept in two bags of 20 kgs. and 40 kgs. in the dikki of the car of Paramjit Singh, the petitioner. Paramjit Singh and Balvir Singh had dropped him on the way with these two bags. The bag containing 20 kgs. of poppy husk was recovered at the time of search of the Deputy Singh whereas the bag containing 40 kgs. of poppy husk,

which was kept concealed in bushes by Deputy Singh, was recovered later on. Thus, there is serious allegation of involvement of the petitioner in the present case.

Therefore, this Court finds that there is no reason to admit the petitioner on anticipatory bail.

Dismissed.

October 31, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No