

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-52820-2018

Date of Decision:14.12.2018

Sandeep Masih @ Sunny

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Vinod Kumar Kaushal, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

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.40 dated 25.06.2018 under Sections 21, 22, 25, 29 of the NDPS Act, 1985, registered at Police Station D-Division, Police Commissionerate Amritsar, District Amritsar.

The FIR was registered on the basis of information received from special informer, who had informed that Aric Masih @ Kanni, who is in custody in the Central Jail, Amritsar along with his companions namely Nishant @ Robin and Jeewan Singh @ Jeena, used to bring Heroin from Delhi in the Innova car bearing registration No.PB01-9559 of Jeewan Singh @ Jeena. In order to increase the quantity of the Heroin, they used to mix intoxicated powder and chemical for supplying the intoxicants in the area of Amritsar with the help of Sunny, who is brother of co-accused Aric Masih

Jeewan Singh @ Jeena and Nishant @ Robin and recovery of 255 gms. and 260 gms. of Heroin was effected from their possession. During the investigation, co-accused Jeewan Singh @ Jeena and Nishant @ Robin had made a disclosure statement that the petitioner is also their associate in the commission of offence.

Learned counsel for the petitioner has argued that firstly, it is difficult to believe that Aric Masih @ Kanni, brother of the petitioner, can operate from the jail. Secondly, statement of the co-accused naming the petitioner is not admissible and is not sufficient enough to get the petitioner arrested in the case.

Learned State Counsel on instructions from SI Dalbir Singh has pointed out that co-accused Jeewan Singh @ Jeena and Nishant @ Robin had made a disclosure statement naming the petitioner and the manner in which those accused including the petitioner were operating. They had disclosed that the petitioner in their company used to mix up Heroin for selling it in the area of Amritsar.

Considering the serious nature of allegations, this Court finds that the petitioner does not deserve the concession of anticipatory bail. Moreover, the argument of the learned counsel for the petitioner that statement of the co-accused is not admissible, cannot be accepted as interrogation of the petitioner is necessary to come to the very basis of the crime.

Dismissed.

December 14, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No