

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 18.07.2019

1. CRM-M-19770 of 2019 (O&M)

Harmesh Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-28399 of 2019 (O&M)

Gurnirbhey Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Suresh Singla, Advocate
for the petitioner (in CRM-M-19770-2019).

Mr. Sanjiv Gupta, Advocate
for the petitioner (in CRM-M-28399-2019).

Ms. Rajni Gupta, Sr. DAG, Punjab.

ANIL KSHETARPAL, J.(ORAL)

By this order, CRM-M-19770 of 2019 and CRM-M-28399 of 2019 shall stand disposed of.

In both the petitions, the petitioners pray for grant of pre-arrest bail in FIR No.44 dated 04.04.2019 under Sections 22, 29, 61, 85 of the Narcotics Drugs and Psychotropic Substances Act, 1985, at Police Station Kotwali, District Bathinda.

As per the case of the prosecution, on intercepting a motor car,

53,000 tablets of tramadol HCISR in 212 boxes were recovered. Apart therefrom, from the dash board of the car, an amount of Rs.1,90,000/- in cash was also recovered. Two accused, namely, Rahul Aggarwal and Surinder Kumar, occupants of the car were arrested. The investigation is in progress.

This Court has heard learned counsels for the petitioners in both the petitions at length.

Learned counsels for the petitioners have submitted that name of the petitioners is not mentioned in the FIR. There is no recovery of intoxicant from the petitioners. In fact, the petitioners are sought to be implicated only on the basis of inter se telephone calls. The petitioners have no previous history of dealing in intoxicants. The petitioners have been nominated on the statement of co-accused.

On the other hand, learned State counsel on instructions from Investigating Officer, has submitted that the car belongs to father of one of the applicant. She has further submitted that in view of the huge recovery, the investigating agency is making sincere effort to find out the source of these tablets. She further submitted that if the petitioners are granted protection by this Court, investigations to be carried out by the police would be adversely effected.

This Court has considered the submissions of learned counsel for the petitioners as well as the State counsel.

It would not be appropriate for this Court to make any observation on the merits of the case. The petitioners are being called by the investigating agency to join the investigation in a very heinous crime and recovery in the present case is huge. The investigating agency is

required to go deep into the case and find out what was the source of aforesaid 53,000 intoxicant tablets.

Hence, no ground to grant extraordinary concession of pre-arrest bail to the petitiones is made out.

Both the petitions are dismissed.

18.07.2019
D.Bansal

(ANIL KSHETARPAL)
JUDGE

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