

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 28.05.2019

1. CRM-M No.20896 of 2019 (O&M)

Gurbhej Singh Petitioner

versus

State of Punjab Respondent

2. CRM-M No.22586 of 2019 (O&M)

R.Wanalalchhuangi Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Prateek Pandit, Advocate
for the petitioner (CRM-M-20896-2019).

Mr. Ashok K.Sharma Bhana, Advocate
for the petitioner (CRM-M-22586-2019).

Ms.Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned two petitions.

CRM-M-20896-2019 has been filed for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.203 dated 14.11.2018 registered under Sections 21/29 of NDPS Act, 1985 at Police Station City-2, Khanna, District Ludhiana.

And **CRM-M-22586-2019** has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.203 dated

14.11.2018 registered under Sections 21/29/61 of NDPS Act, 1985 at Police Station City-2, Khanna, District Khanna.

As per the allegation in the FIR police party was located on the G.T. Road for general checking when one white colour ETIOS car was spotted. Ultimately, the car was stopped and there were two persons; one driving and one lady who is the petitioner in **CRM-M-22586-2019** sitting behind on the rear seat. The car was checked by gazetted officer and ultimately 4 kgs of heroin was recovered from a bag which was lying next to the passenger on the rear seat. Two persons were arrested. It later transpired that the car was a taxi and consequently the car driver was found to be innocent. A disclosure statement was made whereby it was informed that the heroin was made to be delivered to the petitioner-Gurbhej Singh in **CRM-M-20896-2019**.

As regards, the person arrested from the spot the counsel for the petitioner has argued that she is a lady and no other case is pending against her and she has been in custody for 6 ½ months.

In my opinion, in view of the large recovery and the power of Section 37 NDPS it would not be possible to grant her bail.

Petition bearing **CRM-M-22586-2019** stands dismissed at this stage.

As regards, **CRM-M-20896-2019** filed by Gurbhej Singh counsel for the petitioner has argued that the petitioner was not arrested from the spot and there is no recovery from him and to corroborate the story that the heroin was meant for him atleast the police should have been able to find out some call details etc. between the petitioner and the arrested person

but otherwise only on the basis of disclosure statement the petitioner cannot be arrested.

On the other hand learned DAG on instructions from ASI Sarjandeep Singh points out that this case is from Khanna but in another case in Kapurthala FIR No.52 dated 21.03.2019 at P.S. Sultanpur Lodhi was also registered against a person from whom recovery of intoxicating powder and *buprenorphine* was made and she in her disclosure statement had informed that she was sourcing the material from the present petitioner. The contention of the learned DAG is that when two persons who are arrested from so far apart mention the name of the petitioner as being a smuggler, it would not be appropriate to grant the concession of anticipatory bail because it would be only from the custodial interrogation of the petitioner that the other links of the chain can be ascertained. She also points out that there is yet another FIR in which the petitioner is facing trial and in that case there was a direct recovery from him.

In my considered opinion, the arguments of learned DAG hold more weight. These cumulative circumstances dissuade me from granting concession of anticipatory bail to the petitioner.

Petition bearing **CRM-M-20896-2019** stands dismissed.

Since the main cases have been decided, the pending criminal miscellaneous applications, if any, also stand disposed of.

28.05.2019

pooja sharma-I

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No