

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

**CRM-M-48521-2018 (O&M)
Date of Decision:21.02.2019**

Dilbagh Singh @ Bagha

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.A.D.S.Sukhija, Advocate for
the petitioner.

Mr.Karanbir Singh, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This is a petition under Section 438 CrPC seeking anticipatory bail in case FIR No.07 dated 22.02.2018 under Section 18, 29 of the Narcotic and Psychotropic Substances Act, 1988, Police Station STF, Phase-IV, SAS Nagar.

Allegations in the FIR are that a team of Police Officials headed by Ram Darshan SI, was present in private vehicle for search of bad elements and drug peddlers. They received secret information that Bikram Nath, son of Jaswant Nath, Swarn Singh son of Phumman Singh and Hakikat Rai son of Amar Singh were coming together in Car No.HR-08-F-2900, black Indica from Ambala to Rajpura and were carrying huge quantity of opium. Ruqa was sent to the Police Station to register FIR. The police officials started looking for passing vehicles. At about 7.20 p.m, car bearing

No.HR-08-F-2900, black Indica was intercepted. Three persons were

present in the car who disclosed their names as Swarn Singh, (who was driving the car), Hakikat Rai and Bikram Nath. On search a blue plastic bag was found in the dicky which contained 15 plastic packets containing opium in liquid form weighing 15 kgs.

The petitioner has been named in the said case on the basis of the disclosure statement of the said accused as being the person who had given them Rs.5 lacs for purchase of the opium.

Vide order dated 15.11.2018, petitioner was granted interim bail and directed to join the investigation. The respondents were also asked to verify whether the petitioner is involved in any other crime or not. The Investigating officer was required to file affidavit regarding evidence collected against the petitioner.

In response thereto, an affidavit of Harbhinder Kumar, Inspector/SHO, Police Station STF, SAS Nagar Mohali has been filed, in which details of as many as 21 cases registered against the petitioner have been mentioned. Nineteen cases are under various Sections of IPC. One case FIR No.7, dated 22.03.2018 is under Section 18/29/61 of NDPS Act and is under investigation. In eleven cases, he has been acquitted. In the remaining cases, he is facing trial or they are at the stage of investigation.

In the affidavit it has been stated that though the petitioner has joined the investigation in compliance with the order of this Court, but he has not cooperated in the investigation. His interrogation is required to ascertain his role in the present case on the basis of disclosure statement of his co-accused. It has also been stated that a large number of co-villagers of the petitioner, who were associated with the investigation have stated that he

is habitual of smuggling poppy-straw and opium.

Considering on the aforesaid facts and circumstances and the provisions of Section 37 of the NDPS Act, no ground is made out to grant the concession of anticipatory bail to the petitioner. This petition is accordingly dismissed.

February 21, 2019
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(HARINDER SINGH SIDHU)
JUDGE Whether speaking/reasoned