

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

CRM-M-249 of 2020

Date of Decision:-16.01.2020

Ranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

Petitioner-Ranjit Singh has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 143 dated 13.08.2019, under Sections 22, 25 of NDPS Act, 1985 (Act No.61 of 1985) registered at Police Station City Samana, District Patiala.

Learned counsel for the petitioner has *inter alia* argued that he has been falsely implicated in the present case because the recovery of the alleged contraband has been effected from the swift car, which does not belong to the petitioner, rather belongs to brother of the petitioner, namely, Soni Singh. He has further submitted that the FIR has been lodged in haste and therefore he may be granted concession of anticipatory bail.

On the other hand, learned State counsel on instructions from

ASI Beant Singh has stated that in the present case huge recovery of contraband i.e. 40000 tablets of Tramadol Hydrochloride 100 mg Clovidol-100 SR, which belongs to Soni Singh, brother of the petitioner, who is also co-accused in the present case. He has further stated that on the basis of secret information, they had raided at the premises i.e. plot, where the car was found parked and all the accused were fled away from the spot and thereafter the huge recovery was made. He has further stated that in the present case one of the co-accused, namely, Kuldeep Malhi has been granted concession of anticipatory bail by this Court vide order dated 17.12.2019 (Annexure P-1) and thereafter he has misused the concession of bail and another FIR bearing No.3 dated 02.1.2020 was registered at Police Station City Samana under the NDPS Act itself. Therefore, the petitioner is not entitled to claim parity with that of other co-accused, namely, Kuldeep Malhi.

After hearing learned counsel for the parties and perusing the records, it can be seen that the alleged recovery has been effected from the car of one Soni Singh, who is admittedly brother of the petitioner and he is also co-accused in the present case. The plea of the petitioner that no recovery of the alleged contraband has been effected personally from the petitioner, would not be of any avail to the petitioner because he had allegedly fled away from the spot. Apart from that learned State counsel has pointed out that the co-accused Kuldeep Malhi, who has been granted concession of anticipatory bail vide Annexure P-1 has misused the concession of bail. Learned State counsel has further submitted that the petitioner is involved in some other cases also, which have been noted in

the orders passed by the Additional Sessions Judge, Patiala in order dated 08.11.2019, vide which the learned Additional Sessions Judge has dismissed the anticipatory bail application qua petitioner.

To this, learned counsel for the petitioner has contended that in other cases, the petitioner has already been acquitted by the competent Court.

Be that as it may, considering the totality of the circumstances of the case, where huge recovery of contraband is made, especially from the car of brother of petitioner, who is also co-accused in the present case, the same would be required for custodial interrogation as pressed by the learned State counsel.

In view of the above, the present petition stands dismissed.

However, nothing expressed herein above shall be construed as an expression of opinion on merits of the case before the learned trial Court and the trial Court shall decide the case on the basis of available evidence on record.

January 16, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No