

CRM-M-2221-2020 (O&M)

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

**CRM-M-2221-2020 (O&M.
Decided on: February 05, 2020.**

Dharam Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Karanjeet Singh Brar, Advocate,
for the petitioner.**

Mr.Ajay Pal Singh Gill, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C., the petitioner prays for the grant of anticipatory bail in case FIR No.155 dated 17.10.2019, under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station, Badhni Kalan, District Moga.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been nominated on the basis of

disclosure statement made by the co-accused. He further submits that the petitioner is not involved in any other case.

Per contra, learned State counsel submits that in pursuance of disclosure statement made by co-accused Nirmal Singh alias Nimma, 1200 grams of heroine has been recovered which falls within the commercial quantity and there are serious allegations against the applicant-accused who has been specifically named by the co-accused. He further submits that as per the contents of the FIR, it is a case of smuggling of heroine from Pakistan and the land of co-accused Nirmal Singh alias Nimma, situated outside the border fencing was being used for the said purpose as such, he prays that the petitioner does not deserve the concession of anticipatory bail as such, the same be dismissed.

I have heard the learned counsel for the petitioner as well as the learned State counsel and have gone through the record of the case as made available in the paper book.

In the present case recovery of 1200 grams of heroine which falls within the commercial quantity was effected from the co-accused of the petitioner who has specifically named the petitioner during the course of investigation. Moreover, in the present case angle of cross-border smuggling is also involved. The arguments raised by the learned counsel for the petitioner that the petitioner has been nominated on the basis of disclosure statement made by the co-accused is only a relevant factor which can be considered along with other important factors.

In view of above in the present case where huge quantity

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of heroine is involved and the chain is also required to be unearthed, keeping in view the seriousness of the nature of offence, custodial interrogation of the petitioner appears to be necessary. Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

February 05, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No