

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

CRM-M-13844-2020

Date of Decision: 03.06.2020.

Prabhjit Singh Fauji

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Argued by: Mrs. Gursharan Kaur Mann, Advocate for the petitioner.

Suvir Sehgal, J.

Case was taken up for hearing through Video Conferencing due to pandemic Covid-19.

Present petition under Section 438 Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner, namely Prabhjit Singh Fauji in case F.I.R. No. 210 dated 21.10.2019, under Section 22/29 N.D.P.S. Act, 1985.

In brief, the allegations are that a secret information was received that Gurdev Singh @ Sonu son of Harjinder Singh, Major Singh @ Meju son of Kartar Singh and Prabhjit Singh Fauji were involved in smuggling of Heroin from Pakistan and that Gurdev Singh @ Sonu and Major Singh @ Meju were travelling from their village Kakkar Klan towards Chogawan for effecting of a deal in Heroin. The information further was that in case a raid was conducted, huge quantity of Heroin can be recovered. It was on the basis of these allegations via secret information that

Singh @ Meju were apprehended and on the basis of the information given by them 7 kgs 500 grams of Heroin was recovered from the agricultural land of the petitioner.

Counsel for the petitioner has argued that the petitioner has no association with the other co-accused. He is an agriculturist and has never indulged in such type of activity and whosoever, is the special informer, he may have enmity with the petitioner as a result of which he has named the petitioner.

I have considered the submissions of the counsel for the petitioner.

The fact remains that an exceptionally huge quantity of the contraband has been recovered from the fields of the petitioner which are located very close to the international border. There is a possibility of the petitioner being a master mind behind the smuggling of drugs from Pakistan. The petitioner has not only been allegedly named by the secret informer but even the co-accused who were apprehended, named the petitioner in their disclosure statement. Therefore, his custodial interrogation is necessary to determine his exact role. Accordingly, the concession of anticipatory bail cannot be given to the petitioner and the petition is dismissed.

It is clarified that any observation made hereinabove shall not be constructed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

03.06.2020

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