

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

CRM-M-18818-2020

Date of decision:-11.9.2020

Amrik Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Arpendeep Narula, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner – Amrik Ram, aged about 32 years, son of Ranjha Ram, resident of village Kodiwala, Police Station Sardulgarh, District Mansa – an accused in FIR No.07 dated 22.1.2020 for the offence under Section 22 of NDPS Act, registered at Police Station Rori, District Sirsa.

Briefly stated, the facts of the case as per prosecution story are that on 22.1.2020, a police party from Police Station Rori, District Sirsa, Haryana intercepted scooty vehicle of white colour, which was being driven by Darshan Ram son of Kalu Ram, resident of Kodi, PS Sardulgarh and a black polythene bag hanging from hook of the scooty

was observed, which was found to contain boxes having 1600 Tramadol Hydrochloride Tablets 100 mg. BATCH No.TDP 19022, MFG. DATE AUG-2019 and EXP. DATE JUL.2022. The recovered tablets were seized. Darshan Ram was arrested in this case. After registration of the formal FIR, the matter was investigated. While being interrogated, accused Darshan Ram disclosed that he had purchased the tablets from Amrik Singh son of Ranjha Ram (present petitioner). In that way, the petitioner was nominated in this case. The petitioner/accused was arrested in this case on 11.2.2020. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Sirsa vide order dated 22.4.2020, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that the petitioner has been nominated on the basis of statement of co-accused, which is not admissible and furthermore no recovery has been effected from him and he does not have any past criminal record, as such he be granted concession of regular bail.

Whereas, learned State counsel has vehemently opposed the request contending that the petitioner being supplier of the drugs running into commercial quantity is not entitled to grant of bail in view of bar of Section 37 of NDPS Act and furthermore there is a reasonable

apprehension of his absconding and tampering with the prosecution evidence, if released on bail. Therefore, the petition be dismissed.

After hearing learned counsel for the parties, I find that no ground for concession of regular bail to the petitioner is made out.

The drug trafficking is rising at an alarming rate in this region, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers have successfully destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increased drug trafficking.

The recovery from the co-accused of the present petitioner involved in this case amounts to commercial quantity, which according to the prosecution as disclosed by co-accused Darshan Ram had been brought by him from the present petitioner. With regard to admissibility of statement of Darshan Ram, nominating the present petitioner as a culprit for the reason that he had purchased the drugs from him, the contention of learned counsel that statement is not admissible cannot be accepted. The disclosure statement made by co-accused can certainly be taken into consideration since it provides lead in the investigation.

Section 30 of the Indian Evidence Act clarifies that matter dilating that when more person than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and other of such persons is proved, the Court may take into

consideration such confession as against such other person as well as against the person who makes such confession.

The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even tampering with the prosecution evidence cannot be brushed aside lightly, rather the same seems to have weight.

Furthermore, there is every possibility of petitioner taking to the path of crime again and indulging in drug peddling, if granted bail.

Therefore, finding no merit in the petition, the same stands dismissed.

11.9.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No