

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

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**CRM-M No.19095 of 2020
Date of decision:17.07.2020**

Kulwinder Singh @ More

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Gurvinder Singh Sidhu, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

This matter has been taken up for hearing through video conferencing due to Covid-19 Pandemic.

This petition for anticipatory bail has been filed under Section 438 of the Code of Criminal Procedure by Kulwinder Singh @ More for grant of anticipatory bail in FIR No.67 dated 24.06.2020 under Section 22-C of Narcotic Drug and Psychotropic Substances Act, 1985 registered at Police Station Rori, District Sirsa.

Facts, in brief, are that on 24.06.2020 three persons, namely, Bhola Singh son of Mahender Singh, Ranjit Singh son of Sahi Ram and Harmandeep @ Bura son of Janta Singh, who were riding on a motorcycle, were apprehended. Ranjit Singh was carrying a plastic bag in his hand and during the course of search of the accused persons, 7 boxes

of tramadol tablets were recovered from it. FIR was registered against the accused persons. During interrogation, they named Dhani son of Biru, who named the present petitioner as the supplier of the contraband. On the basis of the disclosure statement, the petitioner was nominated as an accused.

Counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the case. He has argued that the petitioner is 21 years of age and is a regular student of B.A. Part II, Guru Kashi University, Talwandi Sabo, Bathinda and has clean antecedents. Counsel has referred to the identity card of the petitioner, Annexure P-2 in support of his argument. He urges that petitioner was not arrested from the spot but his name has been mentioned in the disclosure statement which in itself is inadmissible in evidence.

Notice of motion.

On the asking of the Court, Ms. Gaganpreet Kaur, AAG, Haryana, who is present through video conferencing, accepts notice on behalf of the respondents.

State counsel has opposed the petition upon instructions from ASI Bhupender Singh and she submits that a huge quantity of contraband had been recovered from the person of the accused, who were riding the motorcycle and the petitioner has been named as the person from whom they had purchased the contraband.

I have considered the rival submissions.

There is no dispute about the fact that in all 1390 intoxicating tablets of 'Tramadol Hydrochloride' weighing 1168.99 grams were recovered from the three co-accused. The co-accused have named the

petitioner as the person from whom the supplies were being obtained. A huge quantity of contraband has been seized of which the petitioner probably is the supplier. His custodial interrogation is necessary in order to find out the source from which he gets his supplies and the persons to whom he has been selling the contraband. The contraband recovered from the co-accused falls under commercial category and attracts the rigor of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The concession of anticipatory bail cannot be extended to a person who deals in the banned drugs. There is no merit in the petition. The same is accordingly dismissed.

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

17.07.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No