

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

CRM-M-21284 of 2020 (O&M)

Decided on:- August 11, 2020.

Feroj Deen.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. D.A.G., Punjab.

HARI PAL VERMA, J.

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-18464-2020

Prayer in this application filed under Section 482 Cr.P.C. is for exemption from filing the attested affidavit of the petitioner in original and affixing of process fee.

Prayer for exemption of filing the attested affidavit of the petitioner in original and affixing of process fee on account of COVID-19 is accepted with the condition that the petitioner shall place on record the required document and process fee within a period of one month when the situation becomes normal from the COVID-19 effect.

Application stands disposed of.

CRM-M-21284-2020

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.72 dated 23.05.2020 under Sections 21, 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station Mehal Kalan, District Barnala.

Briefly stated, on 23.05.2020 at about 09.30 P.M. when SI Kuldeep Singh along with other police officials was present near bus stand of village Sehjarra on the Barnala-Raikot main highway, a secret information was received to the effect that accused Lovepreet Singh alias Lovy, Ravinder Singh alias Binda, Satvir Singh alias Satti, Balwinder Singh alias Nikka and Ravi have formed a gang and are used to bring the intoxicant tablets and powder from the outside and to supply the same in Tallewal, Mehal Kalan and in the nearby villages to the persons consuming the intoxicant substances. On that day, all of them were seen wandering in a Verna car bearing registration No.PB-11AY-1700 of white colour in the Mehal Kalan town and in case a raid is conducted, they can be apprehended. On the basis of this information, SHO Police Station Mehal Kalan was intimated on the wireless set that any suitable investigating officer along with the police party may be sent on the spot for taking further action and a written Ruqqa in this regard was sent through Constable Kuldeep Singh for registration of the case under Sections 21, 22, 25 and 29 of the NDPS Act against the aforementioned accused.

Thereafter, investigation was handed over to SI Satnam Singh, who intercepted the aforesaid Verna car and apprehended accused, namely, Lovepreet Singh alias Lovy, Ravinder Singh alias Binda, Satvir Singh alias Satti, Balwinder Singh alias Nikka and 2500 intoxicant tablets of Colvodol 100-SR were recovered from the said car. On 26.05.2020, accused Balwinder Singh alias Nikka made a disclosure statement and got recovered 2,50,000 intoxicant tablets and Rs.4 lakh as drug money. Thereafter, accused Zulfikar alias Zulfi was nominated in the present case and he was apprehended on 29.05.2020. Accused Zulfikar also got recovered 12,000 intoxicant tablets as per his disclosure statement from his house on 31.05.2020.

Petitioner Feroj Deen was nominated in the present case on the basis of interrogation of accused Zulfikar.

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR and he has falsely been implicated in the present case. The petitioner has no relation with the co-accused from whom the alleged recovery was made. The police has falsely involved the petitioner on the basis of disclosure statement of co-accused Zulfikar, whereas the petitioner has no concern with the alleged recovery.

Learned State counsel has argued that a huge quantity of intoxicant tablets has been recovered from the other co-accused in the present case. There are allegations against the petitioner that he was supplying the intoxicant tablets to co-accused Zulfikar and, therefore, custodial interrogation of the petitioner is required to know from which place the petitioner is bringing the intoxicant tablets. The petitioner and other co-accused are involved in a drug-racket.

I have heard learned counsel for the parties.

In the present case, 2500 intoxicant tablets of Colvodol 100-SR have been recovered from the Verna car of the other co-accused. Thereafter, on 26.05.2020, another 2,50,000 intoxicant tablets and Rs.4 lakh as drug money were recovered on the basis of disclosure statement of co-accused Balwinder Singh alias Nikka. Even co-accused Zulfikar, who named the petitioner in his disclosure statement, has got recovered 12,000 intoxicant tablets in the present case.

Considering the huge recovery of intoxicant tablets effected in the present case and the allegations levelled against the petitioner that he used to supply the intoxicant tablets to co-accused Zulfikar, this Court does not find any ground to grant anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

It is made clear that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case. The trial Court shall not be influenced with the observations made hereinabove in any manner.

August 11, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No