

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

CRM-M-29186 of 2020 (O&M)  
Date of decision: October 09, 2020

Sandeep Singh @ Lola

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Naveen Sharma, Advocate for the petitioner.  
Ms Bhawna Gupta, DAG, Punjab.

**Ashok Kumar Verma, J.**

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

The petitioner has approached this Court for anticipatory bail under Section 438 of the Code of Criminal Procedure in case FIR No.143 dated 03.08.2020, under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Nathana, District Bathinda.

Brief facts of the prosecution case are that instant FIR was lodged on the statement of Inspector Naveen Kumar against one Beant Singh alias Gura and Sandeep Singh alias Lola (petitioner herein), on the allegations that a police party was present at Bhucho Khurd for patrolling and in search of bad elements. At about 4.30 PM, he received a secret information that a white colour Zen car bearing No.DL-2731 was noticed by ASI Kulwinder Singh, PHGs Angrej Ram and Dharma Singh on the road leading from Lehra Mohabbat to Lehra Bega. A clean shaven person was sitting on the driver seat

and other was taking out white colour plastic bag from the car to the cotton crop fields. On seeing the police party, the second person was apprehended, whereas the driver was able to flee away with the car. On search of the bag, 1400 strips of CLOVIDOL-100 SR intoxicating tablets containing 10 tablets each (total 14000 tablets) were recovered.

Learned counsel for the petitioner contends that petitioner is innocent who has been falsely implicated in this case. According to him, though recovery of commercial quantity was effected from the co-accused Beant Singh alias Gura, yet the petitioner is shown to have fled away. He has no role in the commission of crime and he has no connection with regard to the car in question.

Learned State counsel in compliance of the order dated 23.09.2020, has filed short reply by way of an affidavit of Ashok Kumar, Deputy Superintendent of Police, Sub Division Bhuchio, District Bathinda. He (on instructions from ASI Gurwant Singh) has argued that on 03.08.2020, petitioner was found sitting on the driving seat of car make Zen bearing No.DL-1CJ-2771 parked on the rough path, near the cotton crop fields in the area of Dhani Lehra Bega and at that time co-accused Beant Singh was taking out one plastic bag containing 14,000 intoxicating tablets of Clovidol 100-SR from the said car and was putting the said plastic bag in the cotton crop fields. Thus, in this way petitioner as well as his co-accused were found in conscious possession of 14,000 intoxicating tablets of Clovidol 100-SR. As per FSL report dated 30.09.2020, Tramadol Hydrochloride ingredient has been declared in the recovered intoxicated tablets i.e. Clovidol 100-SR, which falls within the ambit of 'commercial' quantity.

I have heard learned counsel for the parties and gone through the relevant record.

In a recent judgment in ***Sazid Kumar Vs. State of Haryana, CRM-M-1256 of 2020*** decided on 17.03.2020, it has been observed by this court as under:-

*“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 increase drug trafficking.*

In case reported as ***State represented by the CBI Vs. Anil Sharma, 1997 (4) R.C.R. (Criminal) 268***, the Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful information.

In the present case, co-accused Beant Singh made disclosure statement that on the asking of present petitioner he had obtained the said consignment of 14000 intoxicating tablets of Clovidol 100-SR and the petitioner gave Rs.20,000/- to him per trip. 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.

**(ASHOK KUMAR VERMA)**  
**JUDGE**

October 09, 2020  
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No