

115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11652-2021
Date of Decision: 15.03.2021

SARBJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Naveen Batra, Advocate for the petitioner
Ms.Monika Jalota, DAG Punjab

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.12 dated 23.01.2021 registered under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) at Police Station Dasuya, District Hoshiarpur.

Briefly stated, the case of the prosecution is that 185 grams of intoxicant substance was recovered from the illegal possession of co-accused Manjit Singh @ Shera. On such recovery he was arrested and his interrogation revealed that he had purchased the recovered narcotics from the petitioner resulting in the nomination of the petitioner as an accused.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; no recovery has been made from the petitioner; the only evidence against the petitioner is the disclosure

statement of the co-accused allegedly made by him in police custody which is not admissible under Section 25 of the Indian Evidence Act, 1872 and that the petitioner is ready and willing to join investigation as and when called by the investigating agency.

Admittedly, three cases under the NDPS Act and one case under the Arms Act, 1959 are pending against the petitioner and while on bail in these cases the petitioner is alleged to have committed the crime which is the subject matter of the instant FIR. Thus, the petitioner has misused the concession of bail not on once but on at least four occasions.

In view of the above conduct of the petitioner and for the reason that amongst other issues the police need to find out the source(s) as also the supplier(s) of narcotics no merit is found in the present petition.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

15.03.2021

gk

(Deepak Sibal)

Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No