

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18741-2021

DATE OF DECISION: JUNE 10, 2021

HARCHAND SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ASHISH AGGARWAL, ADVOCATE
FOR THE PETITIONER.
MR. SAURAV KHURANA, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of pre-arrest bail in case FIR No.11 dated 23.2.2021, under Section 21 (C) NDPS Act, 1985, Police Station Khalra, District Tarn Taran.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and no recovery was effected from him. According to him, the police initially recovered the contraband from the possession of his co-accused and on his disclosure statement, the petitioner was indicted as an accused. He submits that the petitioner is not involved in any other case of similar nature, therefore, he deserves the concession of pre-arrest bail.

The prayer is opposed by learned State counsel assisted by ASI Satnam Singh on the ground that the offence is serious and the contraband recovered from the accused persons fall within the ambit of commercial quantity. It is pointed out that though the petitioner was indicted as an

accused on the basis of disclosure statement suffered by Balraj Singh, but

while acting upon the same the house of the petitioner was raided and a separate recovery of 1280 gms. of Herion was effected.

After hearing learned counsel for the parties and considering the above background, this Court finds that as per prosecution, the petitioner is actively involved in the crime relating to the drugs and huge quantity of Herion was effected from his house. The argument that the petitioner was not present at his house at the time of recovery may not be enough to presume his innocence or false implication as pleaded. Therefore, in the given facts, the custodial interrogation of the petitioner may be necessary to unravel the truth.

Resultantly, the petition fails and is dismissed.

June 10, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No