

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

Sr.No.104

**CRM-M No.18893 of 2021
Date of Decision: 13.05.2021**

Yousaf Masih @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Manjinder Singh Saini, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

Apprehending his arrest in the criminal case registered at Police Station Mehtiana, Hoshiarpur vide FIR No.0034 dated 14.03.2021 under Section 21 of the NDPS Act, 1985 (Section 29 of the NDPS Act, 1985 added later-on), the petitioner has preferred this petition for seeking the relief of anticipatory bail.

The allegations, in brief, as levelled in the said criminal case are that accused-Hardeep Kumar @ Sunny, Inderjit Kumar @ Kaka and Harjit Singh @ Gopi were apprehended by the police party and during their personal search, a polythene bag containing 10 gms heroin, one electronic weighing machine and three syringes with needles were recovered from their possession respectively and in the disclosure statement as suffered by accused Hardeep, the present petitioner has

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been named as the person from whom the said accused had purchased the above-said contraband.

Notice of motion.

Ms. Samina Dhir, Deputy Advocate General, Punjab, who has joined the proceedings in this case in pursuance of the copy of this petition having been sent to the respondent-State in advance, accepts the notice on behalf of the respondent.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition.

Learned counsel for the petitioner contends that neither the petitioner had been apprehended by the police party at the spot nor any recovery is to be effected from him and rather, his name was mentioned by accused Hardeep during his disclosure statement and in these circumstances, the petitioner deserves the concession of anticipatory bail.

However, learned State counsel has forwarded the copy of the written intimation, as received by her from the concerned Police Station, on the “*Whatsapp Group for Video-Conferencing*” of this Court and she points out that besides the present case, six more criminal cases are also pending against the petitioner and five out of the same have been registered under the NDPS Act and she argues that keeping in view the above-said fact as well as the fact that the petitioner may be required to be interrogated regarding the source of procurement of the said contraband and also in view of the gravity of the allegations as levelled in this case, the present petition be rejected/dismissed.

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Though the petitioner is not stated to be present at the spot at the time of the afore-alleged recovery of the said contraband and other articles from the possession of his above-named co-accused and though, his name figured in the disclosure statement of his co-accused named Hardeep as the supplier of the said contraband to him but however, the fact remains that the evidentiary weightage of the said disclosure statement can be looked into and ascertained by the trial Court at the appropriate stage of the trial. It being so, the possibility of the requirement of the custodial interrogation of the petitioner for the purpose of eliciting more details regarding the material and important aspects of the alleged crime, cannot be ruled out.

Keeping in view the above-discussed facts and circumstances and also the gravity of the offence as allegedly committed by the petitioner as well as the fact that six more criminal cases, including five cases under the NDPS Act, are already pending against him, this Court is of the considered opinion that the petitioner does not deserve the benefit of the anticipatory bail.

Resultantly, this petition is hereby dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

13.05.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No