IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21066 of 2021
Date of Decision: 28.05.2021.

Surinder Singh @ Shalu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.J.S. Moudgill, Advocate,
for the petitioner.

Ms. Samina Dhir, DAG., Punjab.

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LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner seeks concession of anticipatory bail in FIR No. 21 dated 13.04.2021, under Sections 22, 25 and 29 of the NDPS Act, Police Station Rureke Kalan, District Barnala.

As per FIR, secret information was received by the police authorities *qua* the co-accused namely Gurdeep Singh, Yogesh Kumar and Puneet Kumar. The said three co-accused were apprehended and 17850 intoxicant tablets were allegedly recovered from their possession. Two other persons namely Sandeep Kumar and Makhan Sharma were nominated as accused on the disclosure statement of the co-accused taken in custody. Intoxicant tablets were recovered from the said Sandeep Kumar and Makhan Sharma. Makhan Sharma further nominated the present petitioner as an accused in this case.

Learned counsel for the petitioner has argued that the petitioner is

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sought to be inculpated only on the basis of disclosure statement of the co-accused Makhan Sharma and there is no other evidence to connect the petitioner with the offence in question. It is thus prayed that present petition be allowed.

Ms. Samina Dhir, DAG., Punjab, to whom an advance copy of the petition stands supplied, submits that apart from disclosure statement of Makhan Sharma, there are call detail records of the present petitioner with the co-accused Yogesh Sharma, Puneet Sharma and Makhan Sharma.

Heard learned counsel for the parties.

Petitioner is not only sought to be involved in the abovesaid FIR on the basis of the disclosure statement of Makhan Sharma, but there are call detail records reflecting the petitioner to be in touch with the other co-accused at the relevant time. It is further to be noted that the present petitioner is involved in another FIR under the NDPS Act i.e., FIR No. 58 dated 04.06.2018, Police Station Cheema, District Sangrur, in which intoxicant tablets were recovered from the conscious possession of the petitioner.

It is relevant to note at this stage that the petitioner has categorically stated in this petition that he is not involved in any other case under the NDPS Act or any other Act in India and no FIR similar to the present is pending against the petitioner. This petition is duly supported by an affidavit of the petitioner, whereas it is a matter of record that petitioner is an accused in FIR No. 58 dated 04.06.2018, under Section 22 of the NDPS Act, registered at Police Station Cheema, District Sangrur. Learned counsel for the petitioner is unable to deny pendency of FIR No. 58 dated 04.06.2018, under Section 22 of the NDPS Act against the petitioner but submits that it is due to an inadvertent oversight that pendency of FIR No. 58 dated 04.06.2018 was not mentioned in the petition and an unconditional apology is tendered.

I do not find any ground for grant of anticipatory bail to the present

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petitioner in the given facts and circumstances of the case.

Present petition is accordingly dismissed with Rs.10,000/- as costs to be deposited by the petitioner with the Punjab State Legal Services Authority.

(**LISA GILL**)
JUDGE

May 28, 2021
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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