

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

Sr.No.206

CRM-M No.28579 of 2021

Date of Decision: 23.09.2021

Harpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.70 dated 07.06.2021 registered at Police Station Tapa, District Barnala, under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”), the petitioner has preferred this petition to seek the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that on the receipt of a secret information regarding the co-accused of the petitioner namely Tulsi Ram, Gobind Singh, Rajinder Singh, Johny Kumar and Jasvir Kaur (who also happens to be the wife of the petitioner) coming to Tapa for selling intoxicant tablets, the police party, headed by ASI Balwinder Singh, proceeded towards Bathinda-Barnala Road after joining one Darshan Singh as an independent witness from the public and they saw a Car (Swift) bearing

registration No.PB72A-2929 coming and the above-named co-accused of the petitioner were found sitting in the said vehicle and the search of the same resulted in the recovery of 7400 loose intoxicant tablets. During the investigation, it was found out that the petitioner was the owner of the above-said Car and moreover, his wife, i.e. his co-accused named Jasvir Kaur, also suffered a disclosure statement qua his involvement in the alleged crime by way of arranging for the supply of the said contraband.

Status report has already been filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police, Sub-Division Tapa, Barnala.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the wife of the petitioner, i.e. his co-accused, had been picked up by the police officials from the house and she was not apprehended at the alleged spot and the petitioner has been falsely implicated in this case on the basis of the disclosure statement as allegedly suffered by his wife and moreover, he was not present at the spot and the alleged recovery of the said tablets had not been effected from him and therefore, he deserves the relief of anticipatory bail. In support of his contentions, he has placed reliance upon the observations as made by the Apex Court in *Tofan Singh vs. State of Tamil Nadu, (2021) 1 RCR (Criminal) 1* and the Single Benches of this Court in *CRM-M No.43914 of 2020 (Rajwinder Singh Vs. State of*

Punjab), decided on 27.04.2021; CRM-M No.19795 of 2020 (Manjinder Singh Vs. State of Punjab), decided on 27.10.2020; CRM-M No.40737 of 2020 (Jitender Vs. State of Haryana), decided on 15.02.2021; CRM-M No.14649 of 2019 (Vikramjeet Singh Vs. State of Punjab), decided on 18.07.2019 and CRM-M No.12997 of 2020 (Daljit Singh Vs. State of Haryana) decided on 16.07.2021.

Per contra, learned State counsel has argued that the petitioner is the owner of the Car used for transporting the above-said intoxicant tablets and his wife, along-with the afore-named remaining co-accused, had been nabbed by the police party at the spot while sitting in this vehicle and the same was also taken into possession and the factum of the petitioner being the owner of this Car, besides the disclosure statement of his wife, sufficiently shows his involvement in the crime and in view of the gravity of the offence committed in this case, the present petition be dismissed.

So far as the contention regarding the wife of the petitioner having been picked up from the house instead of her having been apprehended at the spot is concerned, the same can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be determined at the stage of deciding this petition as preferred for seeking the relief of anticipatory bail.

As regards the contention qua the disclosure statement of the wife of the petitioner, i.e. his co-accused, being not sufficient to array him

(petitioner) as an accused in this case, it is pertinent to mention here that in paras No.6 and 8 of the status report, it has categorically been deposed that the petitioner is the owner of the Car, used for smuggling the afore-said contraband. Thus, it is explicit that the petitioner has not been involved in this case merely on the basis of the said disclosure statement of his wife.

The observations as made by the Apex Court in **Tofan Singh's case (supra)** do not further the cause of the petitioner in this petition because these do not pertain to the grant or refusal of the relief of anticipatory bail and rather, the same were made while answering a reference arising out of the Criminal Appeal wherein the conviction, as based solely on the purported confessional statement recorded under Section 67 of the NDPS Act, had been challenged.

The verdicts as rendered by the Co-ordinate Benches in **Rajwinder Singh's case (supra), Manjinder Singh's case (supra), Jitender's case (supra), Vikramjeet Singh's case (supra) and Daljit Singh's case (supra)**, are also of no help to the petitioner in seeking the above-said relief because the facts and circumstances of the present case are distinguishable from those of the cited above.

As a sequel to the fore-going discussion, it follows that the instant petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

23.09.2021
monika

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>