

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

Sr.No.206

CRM-M No.31660 of 2021

Date of Decision: 05.10.2021

Sukhpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Ms. Jasleen Kaur, Advocate,
for the petitioner.

Mr. H.S. Multani, Assistant Advocate General, Punjab
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.143 dated 18.07.2021 registered at Police Station Bhawanigarh, District Sangrur, under Sections 15, 18, 29 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner has moved this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that on the basis of the secret information, the police party, headed by SI Major Singh, held *nakabandi* (barricades) at T-point Roshanwala at Sunam-Bhawanigarh Road and intercepted the truck bearing registration No.PB-03AA-8117 and accused Neetu Singh (real brother of the petitioner) and Jagdish Singh were apprehended and the search of the said truck resulted in the recovery of 200 kg poppy husk packed in 10 plastic bags and 4 kg opium kept in a plastic box. During

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his interrogation, accused Neetu Singh disclosed that the petitioner had paid a sum of Rs.70,000/- to him for purchasing the above-mentioned contraband from Udaipur and to transport the same to Rajpura.

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 amount of Rs.70,000/-, as allegedly paid by the petitioner to his co-accused (brother) Neetu Singh for purchasing the above-said contraband, was actually paid by him as lease money in lieu of cultivating his (brother's) agricultural land but he (petitioner) has been falsely implicated in this case merely on the basis of the disclosure statement as allegedly suffered by his co-accused (brother) and in these circumstances, the petitioner deserves the relief as prayed for in the instant petition.

Per contra, learned State counsel argues that the petitioner had paid the above-said amount to his co-accused (brother) for purchasing the said contraband and keeping in view the gravity of the offence committed by him, the present petition be dismissed.

So far as the contention of learned counsel for the petitioner regarding the payment of the afore-said amount by the petitioner to his co-accused (brother) as lease amount is concerned, the veracity of 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 as may be led on the record during the course of the trial and

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the same cannot be ascertained at this moment while deciding this petition.

As regards the contention qua the involvement of the petitioner in this case solely on the basis of the disclosure statement of his said co-accused, it is explicit from the above-discussed facts and circumstances that the petitioner has not denied the factum of the payment of the above-said amount by him and in these circumstances, the said contention does not suffice at all, at this stage, to extend the relief as sought by the petitioner in this petition.

Keeping in view the fore-going discussion as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the concession of anticipatory bail. Resultantly, the petition in hand, being *sans* any merit, is hereby dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of this case.

(MEENAKSHI I. MEHTA)
JUDGE

05.10.2021
neetu

Whether speaking/reasoned

Yes

Whether Reportable

No