

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

**Sr.No.206-2**

**CRM-M No.34699 of 2021**

**Date of Decision: 05.10.2021**

Baljinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Parminder Singh Sekhon, 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, 25 and 29 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 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 his interrogation, accused Neetu

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Singh disclosed that the petitioner had paid a sum of Rs.40,000/- 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 petitioner has not been nominated as an accused in the said FIR and rather, he has been falsely implicated in this case merely on the basis of the disclosure statement as allegedly suffered by his afore-named co-accused whereas in fact, he had not paid any amount to him and in these circumstances, the petitioner deserves the relief as prayed for in the instant petition. In support of his contentions, he places reliance upon the observations as made by the Apex Court in **Tofan Singh vs. State of Tamil Nadu, (2021) 1 RCR (Criminal) 1.**

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

Though, the name of the petitioner does not find mention in the FIR but however, his above-named co-accused allegedly suffered a disclosure statement regarding his (petitioner's) having given him a sum of Rs.40,000/- to purchase the said contraband and as mentioned in para No.7 of the status-report, the petitioner has committed an offence under

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Section 29 of the NDPS Act and as mentioned in para No.6 thereof, his custodial interrogation would be required for ascertaining the *modus operandi* used by him.

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 anticipatory bail and rather, these 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.

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.

05.10.2021  
neetu

(MEENAKSHI I. MEHTA)  
JUDGE

*Whether speaking/reasoned*

*Yes*

*Whether Reportable*

*No*