

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

(Sr. No. 104)

CRM-M No. 40675 of 2021

Date of decision : 29.9.2021

Kulwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Jagmohan S. Ghumman, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 0135 dated 03.08.2021 registered under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) (Section 29 of the NDPS Act added later on) at Police Station Shahkot, district Jalandhar Rural.

Briefly stated, the case of the prosecution is that co-accused Kehar Singh was found to be in illegal possession of 20 Kg. poppy husk and on being questioned, he disclosed that the he had purchased the recovered poppy husk from the petitioner for Rs.85,000/-.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the only evidence against the petitioner is the alleged disclosure statement of a co-accused in police custody, which has no evidentiary value under Section 25 of the Indian

Evidence Act, 1872; even otherwise the alleged recovery from the co-accused is of “non-commercial” quantity and that the petitioner is also ready and willing to join the investigation as and when called by the investigating agency.

Admittedly, at present the petitioner is in custody in another criminal case under the NDPS Act in which he was allegedly found to be in illegal possession of 70 grams of heroin. In the present case the allegations against the petitioner are that he took Rs.85,000/- from his co-accused in lieu of 20 Kg. of poppy husk.

In the light of the above criminal antecedents of the petitioner as per which he is alleged to be dealing with different narcotic substances including heroin, no ground is made out to grant him the concession of anticipatory bail, especially when his custodial interrogation would reveal his other alleged suppliers/customers.

Dismissed.

29.09.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No