

102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46312-2021

Date of Decision: 03.11.2021

JASWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr. Justice Deepak Sibal

Present: Mr. Subhash Kumar, Advocate for the petitioner
Ms. Gunkirat Kaur, AAG Punjab

Deepak Sibal, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.146 dated 10.10.2021 under Sections 22 and 29 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) IPC registered at police station Adampur, district Jalandhar.

Briefly stated, the case of the prosecution is that on 10.10.2021 on seeing a police party, a Hindu gentleman, who was coming on foot, tried to turn back. The police got suspicious and interrogated him. Such interrogation led to his search which resulted in the recovery of 230 tablets containing Alprazolam. Further investigation revealed that the said gentleman had purchased these tablets from the petitioner. Accordingly, the aforesaid FIR was lodged and the gentleman from whom the recovery was made as also the petitioner were nominated as accused.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the only evidence against the

petitioner is an alleged disclosure statement by a co-accused in police custody which has no evidentiary value under Section 25 of the Indian Evidence Act, 1872; the petitioner is suffering from several ailments and that he is also ready and willing to join investigation as and when called by the investigating agency.

Admittedly, the petitioner is facing another criminal case under the NDPS Act in which the allegations are of recovery of 100 tablets of Alprazolam from him and while on bail in that case he is alleged to have committed another offence under the NDPS Act which is subject matter of the present petition. Thus, not only is the petitioner a habitual offender but has also misused the concession of bail granted to him earlier.

In view of the above and for the reason that the petitioner is the alleged source of as many as 230 tablets of Alprazolam recovered from his co-accused as also because the investigating agency requires him to investigate the source/ supply of the recovered drugs, no ground is made out for grant of anticipatory bail to the petitioner.

Dismissed.

On his arrest the State shall get the petitioner medically examined and provide all possible medical assistance.

03.11.2021
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No