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

CRM-M No.47076 of 2021 (O&M)

Date of decision: 10.11.2021

Kaptan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harinder Singh Aujla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.114 dated 17.10.2021 registered under Sections 18 and 61 of the NDPS Act (Section 29 of the NDPS Act added later) at Police Station Ghanaur, District Patiala.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police party apprehended 02 persons namely Damanjeet Singh and Kartar Singh, and recovered 02 Kgs of Opium. It is further submitted that on their disclosure statement, the name of the petitioner surfaced in the case and therefore, the petitioner be granted the concession of bail. It is also submitted that the mobile No.90464-53811 from which the calls were made to the co-accused on the day, do not belong to the petitioner, however, it is wrongly showing name of the petitioner on Truecaller application.

Counsel for the State has opposed the prayer for bail on the ground that the recovery effected in the case is heavy and on an earlier

occasion, the petitioner was involved in 06 FIRs under the NDPS Act and 03 FIRs under the Excise Act and 02 FIRs under the IPC.

In reply, counsel for the petitioner submits that in some of the FIRs, the petitioner stands acquitted and in FIR No.142 registered under the NDPS Act, the petitioner was sentenced to undergo 09 months, which he has already undergone and in the other FIRs, he is on bail.

After hearing the counsel for the parties, I find that it is not a case where the petitioner has been nominated on the basis of a simple disclosure statement and the calls of the co-accused, on the date of incident made to the petitioner on the aforesaid mobile number, primarily established by the police and looking into the antecedents of the petitioner, no ground to grant the concession of bail to the petitioner is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.11.2021
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No