

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53078-2021
Date of Decision: 20.12.2021

Charandeep Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Prashant Bansal, 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.263 dated 16.10.2021 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) at Police Station Sadar Nabha, District Patiala.

Briefly stated, the case of the prosecution is that 15 vials of RUKSCOF each containing 100 ml of Codeine Phosphate were recovered from co-accused – Gagandeep Singh @ Gagan, who after being arrested and interrogated, revealed that he had purchased 25 vials of the recovered psychotropic substance from the petitioner on the basis whereof the petitioner was nominated as an accused in the aforesaid FIR in which the petitioner seeks anticipatory bail.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the only evidence against the petitioner is the disclosure statement of co-accused – Gagandeep Singh @

Gagan made by him in police custody which has no evidentiary value; there is no other evidence with the prosecution to connect the petitioner with the crime he is accused of and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Learned State counsel, who appears on advance notice, seeks dismissal of the petitioner's anticipatory bail on the ground that the petitioner is not only a habitual offender as he faces another case under the NDPS Act but also because co-accused Gagandeep Singh @ Gagan has specifically named the petitioner to be the seller of the psychotropic substances recovered from him.

Admittedly, in addition to the present case in which the petitioner seeks anticipatory bail, he faces another case under the NDPS Act. Thus, the petitioner is not only a habitual offender but has also violated the terms of bail at least on one occasion.

In view of the above as also because the petitioner is accused of supplying commercial quantity of psychotropic substances to his co-accused no ground to grant him the concession of anticipatory bail is made out.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

20.12.2021

gk

(Deepak Sibal)
Judge

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