

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

CRM-M No.5317 of 2022 (O&M)
DATE OF DECISION : 23.02.2022

Binder SinghPetitioner

versus

State of PunjabRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Nirbhay Singh, Advocate for the petitioner

ALKA SARIN, J. (Oral):

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0075 dated 22.06.2021 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) (Section 29 of the NDPS Act added later on) registered at Police Station Bhadson, District Patiala.

As per the case put forth by the prosecution, on 22.06.2021 the police of Police Station Bhadson at about 11.40 AM near Tarkheri Chowk, Bhadson apprehended a person with 110 intoxicating tablets. On being questioned, the said person disclosed his name as Binder Singh son of Kaka

Singh. However, during interrogation he disclosed his actual name as Karan Kumar. During further interrogation he disclosed the name of the petitioner as the person from whom he had purchased the intoxicating tablets.

Learned counsel for the petitioner would contend that the petitioner is innocent and has falsely been implicated in the present case and no recovery is to be effected from him.

Notice of motion.

On the asking of the Court, Mr. H.S. Multani, AAG Punjab has joined the session through video conferencing and accepts notice on behalf of the respondent-State.

Learned counsel for the State, on instructions from ASI Sarbjit Singh, has pointed out that this is not the first case against the petitioner. The petitioner is a habitual offender and there are four other FIRs registered against him – (1) FIR No.107 of 2017 under Section 61 of the Excise Act,1914; (2) FIR No.68 of 2019 under Section 21 NDPS Act, 1985, Police Station Bhadson; (3) FIR No.38 of 2020 under Section 188 IPC, Police Station Bhadson and (4) FIR No.88 of 2020 under Section 61 of the Excise Act,1914, Police Station Bhadson. It is, thus, contended by the learned State counsel that this is not a fit case for grant of anticipatory bail to the petitioner. It is further the contention that custodial interrogation of the petitioner would be required as the sourcing of the intoxicating tablets by the petitioner has to be determined.

Heard.

In the present case, the petitioner has been nominated on the basis of disclosure statement of one Karan Kumar. However, the petitioner does not have clean antecedents in as much as there are four other cases pending against him – one under the Narcotic Drugs and Psychotropic Substances Act, 1985, two under the Excise Act, 1914 and one under Section 188 IPC. It is trite that the antecedents of the person applying for bail would need to be considered at the time of granting anticipatory bail. Further, as per the State counsel the Prosecution has to find out from where the petitioner procured the intoxicating tablets.

In view of the above and without commenting on the merits of the case, I do not find this to be a fit case for grant of anticipatory bail. The same is hence dismissed.

(ALKA SARIN)
JUDGE

23.02.2022
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NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
