

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

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CRM-M-9520-2022

Date of Decision : **March 07, 2022**

VERINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Rajesh Nain, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is a second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.241 dated 20.9.2021 under Sections 22, 29, 61, 85 of NDPS Act, 1985, registered at Police Station, Lehra, District Sangrur.

The petitioner had earlier filed a petition for the grant of anticipatory bail vide CRM-M-44424-2021 titled as “Verinder Singh @ Davinder Singh Vs. State of Punjab” and had withdrawn the same on 27.10.2021.

The learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and, therefore, he may be considered for the grant of anticipatory bail in view of the fact that the petitioner was not even present on the spot and he was rather at some other place and has relied upon Annexure P-2 wherein he was granted bail on the same day by a different Court in some other case.

A perusal of the FIR in the present case would show that the police had received a special information that one Komal Kumar @ Kamal is purchasing intoxicant tablets from the present petitioner, namely, Verinder Singh (wrongly mentioned as Davinder Singh in the FIR although Verinder Singh and Davinder Singh are stated to be same person) and that he is habitual of selling intoxicant tablets to his permanent customers by moving on feet and thereafter a barricading was installed in a planned way and approximately at 6.20 p.m. one person came on motor cycle and looking at the police party standing in front of him, he got surprised and was about to turn but his motor cycle switched off and he threw the plastic envelope which was placed in front of the petrol tank on the side of the road and ran away towards the fields. When he was nabbed by the police, he disclosed his name as one Komal Kumar @ Kamal and he has stated that he had purchased the intoxicant tablets from the petitioner.

Mr. Arun Kaundal, learned Deputy Advocate General, Punjab has submitted that it is a case where there was a recovery of 1300 tablets of tramadol hydrochloride from Komal Kumar @ Kamal and the weight of the same was 516.1 grams and, therefore, the same falls in the category of commercial quantity and hit by the bar contained under Section 37 of the NDPS Act. He submitted that the police had prior information with regard to the petitioner and, therefore, he has been named in the FIR itself and thereafter Section 29 of NDPS Act was also added. He has further submitted that in view of the aforesaid position, the petitioner was not entitled for the grant of anticipatory bail.

I have heard the learned counsels for the parties.

The recovery from the co-accused, namely, Komal Kumar Kamal was of 516.1 grams of tramadol hydrochloride tablets which falls in the category of commercial quantity and, therefore, hit by the bar contained under Section 37 of NDPS Act. The petitioner has not been able to make out any ground for making a departure from the bar contained under Section 37 of NDPS Act. The petitioner has been named in the FIR itself and the police on information had nabbed the co-accused who had also stated that he had purchased the intoxicant tablets from the petitioner. The argument raised by the learned counsel for the petitioner that on that date he was not present and he was rather in the Courts pertaining to some other case would not be of much significance to the petitioner in view of the fact that the present incident took place at 6.20 p.m. and, therefore, assumingly even if the petitioner was present at some other place during day time that would not mean that the petitioner is not involved in the present case.

Finding no merit in the present petition, the same is, hereby, dismissed.

March 07, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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