

105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12088-2022 (O&M)
Date of Decision:23.03.2022

Mithun @ Chapadh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Puri, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.178 dated 25.11.2021 registered under Sections 21/29/61/85 NDPS Act at Police Station Division No.2, District Pathankot, who apprehends his arrest at the hands of Police.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Pathankot in the order dated 04.01.2022 are as under:

“Brief facts of the case are that on 25.11.2021 in the area of Truck Union Turning Point, Pathankot, Munish son of Subash Kumar resident of Channi Beli was apprehended and 50 grams Heroin was recovered from him without any permit and license. The investigation was initiated. The offence was made out under Section 21-29-61-85 NDPS Act.”

Learned counsel has contended that the alleged contraband (50 grams of heroin) was recovered from his co-accused Munish and subsequently, on his disclosure statement, the petitioner has been indicted as

an accused, therefore, in the given facts, his custodial interrogation may not be necessary, as the petitioner is willing to join the investigation. He prays for anticipatory bail.

During the course of hearing, it is not disputed by the learned counsel that apart from the above FIR, petitioner is involved in ten more cases of similar nature and the details of cases are contained in para 11 of the petition. He submits that in most of the cases, the petitioner has been implicated only on the basis of disclosure statement of the accused, who were arrested at the time of recovery of narcotic substance.

After hearing the learned counsel and considering the arguments, this Court finds that the petitioner is already involved in number of cases under NDPS Act and all these cases are of different dates. Even if it is assumed that in all these cases, the petitioner has been implicated only on the strength of disclosure statement of co-accused, this Court cannot ignore the material fact that all those accused, who were arrested at the time of recovery, were different, but all have named the petitioner only. Similar is the position in the present FIR, therefore, in order to ascertain the source of supply, the custodial interrogation of the petitioner may be necessary.

Resultantly, without meaning any expression of opinion on the merits of the case, this Court is not inclined to extend the extra ordinary concession of pre arrest bail to the petitioner.

Dismissed.

23.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE