

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

**CRM-M No.15532 of 2021
Date of Decision: 25.02.2022**

Sukhpal

.....Petitioner.

Versus

State of Punjab

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Rajnikant Upadhyay, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.57 dated 02.03.2021 registered at Police Station Patran, District Patiala, under Section 22 of the NDPS Act, 1985, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled in the present case, are that on the receipt of a secret information regarding the co-accused of the petitioner namely Surinder Singh having been indulging in the sale of intoxicant tablets, ASI Palwinder Singh, along-with the accompanying police officials, held 'Naka' (put up barricades) at the disclosed place. They saw accused Surender Singh coming on the motorcycle and apprehended him and total 2460 Tramadol

Hydrochloride 100 mg SR tablets, i.e Radol-100, were recovered from him. During his interrogation, the afore-named accused disclosed that he had purchased the said tablets from the petitioner and another accused named Kulvir Singh.

Short-Reply has already been filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police, Sub-Divison, Patran, District Patiala.

I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that no recovery of any contraband has been effected from the petitioner and the said tablets were, rather, allegedly recovered from his (petitioner's) afore-named co-accused and the petitioner has been falsely nominated as an accused in this case merely on the basis of the disclosure statement as alleged to have been suffered by his said co-accused and therefore, he (petitioner) deserves the relief as prayed for in the instant petition.

Per contra, learned State counsel argues that the motorcycle, involved in the alleged commission of the offence, belongs to the petitioner who had purchased the same from its registered owner named Mukesh Kumar and moreover, the Call-Detail Record of the mobile-phone numbers of his afore-said co-accused has also been obtained and keeping in view the gravity of the offence committed by the petitioner, this petition be dismissed.

It has categorically been deposed in Para No.4 of the Short-Reply that accused Surinder Singh was apprehended by the police party while riding the motorcycle bearing registration No.PB-13BH-3311 and the search of the polythene bag tied to the handle of the said vehicle had resulted in the recovery of the afore-mentioned tablets. In Para No.8 therein, it has also been mentioned that the above-said accused had suffered a disclosure statement regarding his having purchased the said contraband from the petitioner and his another co-accused named Kulvir Singh and the Call-Detail Record qua the mobile-phone numbers of both the said co-accused of the petitioner had also been obtained. It has further been mentioned in Para No.9 that the said motor-cycle belonged to the petitioner who had purchased the same from one Mukesh Kumar on 15.10.2019. In these circumstances, it is explicit that the petitioner has not been implicated in this case solely on the basis of the afore-alleged disclosure statement of his co-accused.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

February 25, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>