

CRM-M-16718-2022

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

CRM-M-16718-2022
Date of decision: 16.08.2022

Veeru alias Veeru Raj

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Shivender Pal Singh, Advocate for
Mr. Brijeshwar Singh Bhalla, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.61 dated 30.03.2022, registered at Police Station City South, District Moga, under Sections 21 and 29 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and rather has been indicted on the disclosure statement of co-accused, namely, Ajay Kumar and Vishal, who were apprehended, alongwith 07 gram of heroin and drug money of Rs.85,000/-, and that the petitioner has falsely been implicated in the present case and that recovery has already been effected in the present case. On this premise, learned counsel for the petitioner prays for the grant of bail to the petitioner.

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On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that 07 gram of heroin and drug money of Rs.85,000/- had been recovered from the dicky of the scooter, being driven by co-accused Vishal whereas co-accused, namely, Ajay Kumar was a pillion rider on it, and that as per the disclosure statement of the co-accused, they had purchased the heroin from the petitioner. Moreover, there are as many as two other cases of similar nature, registered or pending against him.

I have heard the learned counsel for the parties.

In the present case, co-accused, namely, Ajay Kumar and Vishal were arrested at the spot, alongwith heroin weighing 07 gram and drug money of Rs.85,000/-. The ground that the petitioner has been indicted in the present case on the disclosure statement of the co-accused, cannot be the sole consideration for grant of pre-arrest bail. As to whether the petitioner has been falsely implicated or not, would be subject matter of the investigation.

The Hon'ble Supreme Court in 'State of Haryana Vs. Samarth Kumar', Criminal Appeal No.1005 of 2002, decided on 20.07.2022, has held that advantage of the condition that no recovery is to be effected and that the petitioner has been indicted on the disclosure statement of the co-accused, can be taken into consideration while dealing with the regular bail application or at the time of final hearing after conclusion of the trial.

Moreover, the petitioner has a tendency of committing repeated crime under the NDPS Act. In the considered opinion of this Court, the purpose of investigation would stand defeated by allowing the

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petitioner to join investigation, especially keeping in view his antecedents. Moreover, the criminal antecedents of the habitual offender(s) like the petitioner, which shatter the very tranquility of the collective, do not entitle him to be enlarged on bail.

In view of the above, I do not find any merit in the present petition.

Dismissed.

16.08.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No