

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

**CRM-M-18725 of 2022(O&M)
Date of Decision: 17.08.2022**

Sukhdev Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Ashok Giri, Advocate
 For the petitioner.**

Ms. Samina Dhir, DAG Punjab

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 46 dated 08.04.2022, registered under Sections 22 and 29 of Narcotic Drugs & Psychotropic Substances Act (for brevity, the Act) at Police Station City Phagwara, District Kapurthala.

The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. As per the prosecution version one sealed parcel containing commercial quantity of medical intoxicants was recovered by the police from Sonia @ Sona. The counsel for the petitioner further submits that as per the short reply filed on behalf of the State, the police failed to collect any reliable evidence against said Sonia and accordingly she was released vide order dated 12.04.2022 by the Court concerned. The counsel for the petitioner submits that now the police is

alleging that the said sealed parcel was delivered to Sonia by the petitioner on the pretext that it was containing mobile phone. The counsel for the petitioner further submits that there are also allegations against the petitioner that he tried to frame aforesaid Sonia in the present case by handing over to her the aforesaid sealed parcel and thereafter the petitioner informed the police officials that the said girl was possessing contraband. The counsel for the petitioner further submits that the petitioner is totally innocent and is ready to join the investigation. In support of his arguments the counsel for the petitioner referred to **Nek Chand @ Neka & Anr. Vs. State of Haryana 2015(2) RCR(CrL) 691** and order dated 19.07.2022 passed by the Hon'ble Supreme Court of India in **CrL. Appeal Nos. 1001-1002 of 2022 (Narcotics Control Bureau Vs. Mohit Aggarwal)**.

The present petition is resisted by the State counsel who submits that the petitioner was having mobile phone of Jio Telecom having number 7009425601. The copy of the customer application form of the petitioner with regard to the aforesaid mobile phone number is available on the record. The State counsel further submits that the petitioner used the aforesaid mobile phone to inform the police officials that Sonia @ Sona was carrying parcel containing contraband. The State counsel further submits that the petitioner also went to the police officials in Bolero Vehicle No. PB36H-0058 to inform them that aforesaid lady was possessing contraband. The State counsel further submits that even the said Balero vehicle was registered in the name of the petitioner. The State counsel further submits that after effecting the aforesaid recovery of sealed parcel containing contraband, the police conducted thorough investigation and it was found

that the aforesaid parcel was handed over to Sonia @ Sona only by the petitioner on the pretext that the same was containing mobile phone. The State counsel further submits that Sonia @ Sona was not aware about the contents of the said parcel and during investigation she was found innocent and accordingly released from custody. The State counsel further submits that petitioner is the main culprit and his custody is required by the police.

I have considered the submissions made by learned counsel for the petitioner as well as learned State counsel.

As per the allegations appearing on record, a call was received by the police officials from the aforesaid mobile phone of the petitioner, whereby the caller informed the police that aforesaid lady was carrying contraband in a parcel. There are also allegations that the petitioner came to the police officials in Bolero vehicle No. PB36H-0058 owned by him and again informed them that the aforesaid lady was possessing contraband. It apparently appears that the aforesaid mobile phone number was issued in the name of the petitioner and copy of the customer application form is available on record. As per the State counsel the aforesaid Bolero vehicle is also owned by the petitioner. So, there are serious allegations appearing on record against the petitioner that the contraband in question was delivered by him to Sonia @ Sona in a parcel on the pretext that the same was containing a mobile phone. As per the prosecution version the aforesaid parcel was found to be containing commercial quantity of medical intoxicant and as such rigors of Section 37 of Act are attracted to the instant case.

In the light of the above, this Court is of the view that no ground is made out to grant concession of anticipatory bail to the petitioner

in the instant case. Consequently, present petition is hereby dismissed.
However, any observation made hereinabove is not deemed to be an
expression of opinion on the merits of the case.

17.08.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No