

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

**CRM-M-26300-2022 (O&M)
Date of decision: 09.08.2022**

Sunil Kumar @ Bulla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashok Giri, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.45 dated 20.04.2022, registered at Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar, under Sections 21, 22 and 29 (added later on) NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner has been indicted on the disclosure statement of co-accused, Gagandeep Ram @ Gaggu, who was apprehended at the spot and that recovery of 2.6 gram heroin (small quantity) and 189 intoxicant tablets (151 of light peach colour + 38 of dark peach colour) had been effected from the aforesaid co-accused.

Learned State counsel contends that the petitioner has been

involved in the present case on the disclosure statement of the co-accused. The petitioner is also involved in 07 other cases, out of which in two cases under the NDPS Act, the petitioner stands convicted. He relies upon the judgment of the Supreme Court in **State of Haryana v. Samarth Kumar**, Criminal Appeal No. 1005 of 2022, decided on 20.7.2022.

The NDPS is a self contained statute which specifically deals with menace of drugs. Stringent provisions have been provided for dealing with such cases. The ground that the petitioner was named in a disclosure statement is itself cannot be the sole consideration for grant of pre-arrest bail. A deeper probe is required to unearth the modus operandi and chain of supply. As to whether it is a case of false implication or not would be subject matter of investigation.

The Supreme Court in **Samarth Kumar's** case (supra) has held that advantage of the decision reported in **Tofan Singh Vs. State of Tamil Nadu**, reported in (2021) 4 SCC 1, may be taken at the time of arguing regular bail or in trial. Grant of anticipatory bail in such cases is not warranted. The involvement of the petitioner in 07 more cases is an indication of his antecedents.

No ground is made out for grant of anticipatory bail.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

09.08.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No