

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

**CRM-M-27773 of 2022(O&M)
Date of Decision: 05.09.2022**

Jasbir Singh @ Lalli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Umesh Aggarwal, Advocate
 For the petitioner.**

Mr. C.L. Pawar, Addl. AG 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. 105 dated 26.03.2022, registered under Sections 21, 22, 25 and 27-A of Narcotic Drugs and Psychotropic Substances Act (for brevity, NDPS Act) at Police Station B Division, Amritsar.

The counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The counsel for the petitioner further contends that as per the allegations appearing on record the police received secret information against the petitioner, Sawinder Kaur, Priya and Sajan Kalyan. That on the basis of the aforesaid secret information the police raided the disclosed place and arrested Sawinder Kaur and Priya and 30 grams of heroin was recovered from Sawinder Kaur, while 20 grams of heroin was recovered from Priya and another 260 grams of heroin was recovered from the said premises and drug money worth Rs.59,000/- was

also recovered from the spot along with two vehicles. The counsel for the petitioner further submits that it is not the case of the prosecution that the petitioner who was named in the FIR, escaped from the spot of aforesaid recovery, on seeing the police officials. The counsel for the petitioner further submits that petitioner has got no connection with the aforesaid recovery affected from Sawinder Kaur and Priya. The counsel for the petitioner further submits that Priya has been granted regular bail by the Co-ordinate Bench of this Court vide order dated 01.06.2022 passed in CRM-M-22971 of 2022. The counsel for the petitioner while referring to said order, submits that while granting bail to Priya, the Co-ordinate Bench raised doubt regarding the alleged raid made by the police. The counsel for the petitioner further submits that petitioner has been granted regular bail in one another case registered under NDPS Act as is evident from Annexure P-3. The counsel for the petitioner further submits that petitioner is ready to join the investigation with the police.

The present petition is contested by the State counsel who submits that the petitioner has been named in the FIR and commercial quantity of contraband and drug money worth Rs.59,000/- have been recovered from co-accused Sawinder Kaur and Priya. The State counsel further submits that the petitioner is also involved in one another case under NDPS Act and his custody is required by the police for proper investigation of the case.

I have considered the submissions made by counsel for the parties.

Admittedly, the name of the petitioner is figuring in the FIR itself which was lodged on the basis of secret information and thereafter raid was conducted. There are allegations that during the said raid commercial quantity of heroin was recovered along with drug money worth Rs.59,000/-. It being so, rigors of Section 37 of NDPS Act are applicable to the case in hand. The petitioner is seeking discretionary relief of anticipatory bail.

Taking into consideration the fact that the present case is relating to recovery of commercial quantity of heroin and drug money and that the petitioner is also involved in one another case under NDPS Act, this Court is of the view that the petitioner is not entitled to concession of anticipatory bail. Consequently, the present petition is hereby dismissed. However, any observations made hereinabove should not be construed as an expression of opinion on the merits of the case.

05.09.2022

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**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**