

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

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CRM-M-30015-2022 (O&M)

Date of Decision: 29.08.2022

ONKAR SINGH

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Swati Verma, Advocate for
Mr. GS Simble, Advocate for the petitioner.

Mr. IPS Sabharwal, DAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.67 dated 13.04.2022, registered under Sections 20, 21(b) and 29 of the NDPS Act, at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR, but was indicted on the disclosure statement of co-accused, namely, Sashi Kant, who was apprehended with 6 kg. of Ganja, 115 grams Heroin and Indian currency of Rs. 63,500/- and that nothing is to be recovered from the petitioner. He further submits that co-accused, namely, Sashi Kant has been granted the concession of regular bail.

On the other hand, learned State counsel, while opposing the prayer for grant of bail to the petitioner, submits that the petitioner has specifically been named by the co-accused in his disclosure statement

and that, if granted the concession of anticipatory bail, the petitioner would indulge himself in similar crime again

I have heard the learned counsel for the parties.

The NDPS Act is a self-contained statute which specifically deals with menace of drugs. Stringent provisions have been provided therein for dealing with such cases. The ground that the petitioner was only named by the co-accused in his disclosure statement in 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. Further, as to whether it is a case of false implication or not, would be a subject matter of investigation.

The Hon'ble Supreme Court in Criminal Appeal No.1005 of 2002 titled State of Haryana Vs. Samarth Kumar, decided on 20.07.2022, has held that advantage of the fact that no recovery was/is to be effected from the petitioner and that the petitioner has been indicted on the disclosure statement of the co-accused, as held in Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1, can be taken into consideration while dealing with the regular bail application or at the time of final hearing after conclusion of the trial.

In view of the above, no ground is made out to grant the concession of anticipatory bail to the petitioner.

Dismissed.

29.08.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*