

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

103

CRM-M-31495-2022 (O&M)

Date of Decision: 26.08.2022

GURMUKH SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. GS Saini, Advocate, for the petitioner.

Mr. Subhash Godara, Additional Advocate General, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.35 dated 29.05.2022, registered under Sections 304 and 34 IPC and Sections 21 and 29 of the NDPS Act, at Police Station Arif Ke, District Ferozepur.

Vide order dated 22.07.2022 passed by a Coordinate Bench of this Court, ad interim interim bail was granted to the petitioner and the petitioner was directed to join the investigation.

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation.

Learned State counsel, on the instructions from the concerned Police Official, submits that though the petitioner has joined the investigation, yet the fact remains that there are two more FIRs (one of similar nature and another under the IPC) registered and/or pending against the petitioner, and that, if granted the concession of anticipatory bail, the petitioner would indulge himself in similar crime again.

Upon this, learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case as well as in other cases; that on the basis of the secret information, the present FIR was registered with general allegations against the petitioner and that nothing was/is to be recovered from the petitioner.

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 secret informer 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. Above all, there is one more case under NDPS Act registered and pending against the petitioner.

In view of the above, the petitioner is not entitled for any further concession of anticipatory bail.

Dismissed.

26.08.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>