

CRM-M-32307-2022

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

CRM-M-32307-2022

Date of decision:31.08.2022

Sukhwinder Singh @ Mani

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Godara, Advocate,
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.39 dated 16.02.2022, registered at Police Station Mahilpur, District Hoshiarpur, under Sections 22 and 29(added later on) NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and rather has been indicted on the disclosure statement of the co-accused, and that the provisions of Section 50 NDPS Act had not been complied with.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner used to provide intoxicating tablets to the co-accused and that the petitioner has other case of similar nature, registered or pending against him.

I have heard the learned counsel for the parties.

In the present case, co-accused, namely, Kulveer Singh was

CRM-M-32307-2022

apprehended alongwith 520 intoxicating tablets and during interrogation, he suffered a disclosure statement that the petitioner used to provide him intoxicating tablets.

The ground that the petitioner has been indicted in the present case on the disclosure statement of the co-accused, cannot be the sole consideration for grant of pre-arrest bail. As to whether the petitioner has been falsely implicated or not, would be subject matter of the investigation.

The Hon'ble Supreme Court in 'State of Haryana Vs. Samarth Kumar', Criminal Appeal No.1005 of 2002, decided on 20.07.2022, has held that advantage of the condition that no recovery is to be effected and that the petitioner has been indicted on the disclosure statement of the co-accused, can be taken into consideration while dealing with the regular bail application or at the time of final hearing after conclusion of the trial.

Moreover, the petitioner has a tendency of committing repeated crime under the NDPS Act. In the considered opinion of this Court, the purpose of investigation would stand defeated by allowing the petitioner to join investigation, especially keeping in view his antecedents. Moreover, the criminal antecedents of the habitual offender(s) like the petitioner, which shatter the very tranquility of the collective, do not entitle him to be enlarged on bail.

In view of the above, I do not find any merit in the present petition.

Dismissed.

31.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No