

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

CRM-M-34674-2022 (O&M)
Date of decision: 10.08.2022

Surinder Kumar @ Ajju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. M.S. Saini, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No.76 dated 16.07.2022, registered under Sections 22 and 29 of the NDPS Act, at Police Station Haryana, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not arrested from the spot, but was indicted in the present case on the disclosure statement of co-accused Gurmit Ram @ Nikka, who was apprehended from the spot; that as per the allegations against the petitioner, the petitioner managed to run away from the spot after throwing away a packet containing 5 unlabeled injections, and in the absence of FSL report it cannot be said that the same are containing intoxicant substance and that the petitioner has nothing to do with the present case and the alleged recovery effected from the petitioner does not fall under the commercial quantity.

I have heard the learned counsel for the petitioner and have also gone through the paper-book.

The NDPS Act 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 Hon'ble Supreme Court in **State of Haryana v. Samarth Kumar**, Criminal Appeal No. 1005 of 2022, decided on 20.7.2022, 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.

No ground is made out for grant of anticipatory bail.

The petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

10.08.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No