

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

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CRM-M-35220-2022 (O&M)

Date of Decision: 25.08.2022

AMRIK SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. RS Sekhon, Advocate for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks anticipatory bail in case bearing FIR No.09 dated 17.12.2021, registered under Sections 21(c), 23 and 29 of the NDPS Act and Sections 489-A, 489-B and 489-C IPC, at Police Station SSOC Fazilka, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that, on the basis of the secret information, a raid was conducted and the other co-accused were apprehended at the spot, from whom 13 kg 740 grams of heroin was recovered; that the allegation against the petitioner is that he ran away from the spot and that nothing was/is to be recovered from the petitioner. He further submits that there is no other case registered and/or pending against the petitioner.

Notice of motion.

On the asking of this Court, Mr. Subhash Godara, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State and submits that the petitioner has specifically been named by the

secret informer being the one indulge in smuggling in the vicinity 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 secret informer 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. 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.

25.08.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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