

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

103

CRM-M-37743-2022 (O&M)

Date of Decision: 25.08.2022

YASH PAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.255 dated 03.09.2019, registered under Section 22 of the NDPS Act, at Police Station Model town, District Hoshiarpur.

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 petitioner along with co-accused were apprehended at the spot; that the alleged recovery of 300 grams intoxicating powder was recovered from the car, in which the petitioner was sitting on the co-passenger seat; that the petitioner was initially granted the interim bail awaiting FSL report and that now FSL report has been received. He further submits that the petitioner is 90% disabled.

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

On a specific query made to the learned counsel for the petitioner, whether or not the petitioner has surrendered before the trial Court on receipt of the FSL report, the learned counsel replies in negative and submitted that exemption application on behalf of the petitioner is being moved on each date of hearing before the trial Court.

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

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