

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

**CRM-M-39276-2022
DECIDED ON: 01.09.2022**

ASHWANI KUMAR ALIAS BHEEM

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner, along with his relative Navreet Kaur @ Nisha, was going in a Car and when they were in the area of Police Station Model Town, Ludhiana, the police officials of Police Station Atam Nagar had wrongly apprehended them and implicated them in the present case. He further contends that as per the prosecution story, the patrolling party was present at T Point under the bridge near Atam Park, Ludhiana regarding checking of suspicious persons or private vehicles, then during the blockade, a woman dressed in black was seen coming from D-block side Model Town, Ludhiana, who, on seeing the police party, took out a heavy polythene bag from the right pocket of the black pajama and threw it towards the roadside park and with the help of lady police officers, co-accused of the petitioner, namely Navreet Kaur @ Nisha, was apprehended and recovery of 10 grams of heroin was effected

from her possession. Learned counsel has further contended that co-accused has been released on regular bail by the trial Court vide order dated 22.08.2022.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State. He on instructions from SI Sukhwinder Singh, submits that the petitioner is also involved in another FIR bearing No.61, dated 23.03.2021, under Sections 22 and 29 of the NDPS Act, Police Station Model Town, Ludhiana, though, he is on bail in that case.

On perusal of the record, it is evident that the petitioner is a habitual offender and the allegation in the present FIR is that he is the king-pin supplier of the contraband. The probability of the petitioner for having been involved in other cases cannot be ruled out at this stage. The petitioner is absconding since the registration of FIR dated 20.07.2022 and evading the progress of investigation.

Keeping in view the totality of the facts and circumstances and taking into consideration the fact that the petitioner is a habitual offender, who is the main supplier of contraband/heroin in the present case, this Court does not find any merit in the present petition, which is ordered to be dismissed.

(SANDEEP MOUDGIL)
JUDGE

01.09.2022

Poonam Negi

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*