

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

CRM-M-41684-2022
Date of Decision:-**12.10.2022**

PRAVEEN KUMAR GURJER ... Petitioner

Versus

STATE OF PUNJAB ... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Dr. Diepa Singh, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.56 dated 14.7.2022 registered under Section 22 of NDPS Act and Section 25 of Arms Act at Police Station Balachour District SBS Nagar.

The counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of the alleged disclosure made by co-accused Dinesh. The counsel further submits that the petitioner is having no criminal history and that the alleged disclosure if any made by the co-accused against the petitioner is inadmissible in evidence. The counsel for the petitioner further submits that the petitioner is ready to join investigation.

The present petition is resisted by the State counsel, who submitted that the FIR in this case was registered against co-accused Dinesh Kumar and petitioner-Parveen Kumar and thereafter police apprehended said Dinesh Kumar with 12 grams of heroin on 14.7.2022 and thereafter on

15.7.2022 said Dinesh Kumar got effected recovery of 13 injections of Buprenorphine 2 ml each and further made disclosure that the present petitioner was also involved in the drug trafficking along with him.

The State counsel further submits that aforesaid 13 injections of Buprenorphine comes under commercial quantity of contraband and the case being covered under Section 37 of NDPS Act, the petitioner is not entitled to get discretionary relief of anticipatory bail under Section 438 Cr.P.C.

I have considered submissions made by counsel for the parties.

The present case comes under the recovery of commercial quantity of contraband from co-accused Dinesh Kumar and on the basis of the disclosure made by said Dinesh Kumar, the petitioner is required by the petitioner for proper and effective investigation in the present case. Further the rigors of Section 37 of NDPS are applicable to the instant case.

In view of the above, this Court is of the opinion that the custodial interrogation of the petitioner is required for the proper and effective investigation of the case. So no ground is made out to grant concession of anticipatory bail to the petitioner.

Consequently present petition is hereby dismissed. However, any observations made hereinabove are not to be construed as expression of opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

12.10.2022
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No