

CRM-M-40924 of 2022

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

CRM-M-40924 of 2022
Date of Decision: 12.10.2022

Tek Chand

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Kartik Gupta, Advocate,
for Mr. Piyush Sharma, Advocate, for the petitioner.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.18 dated 25.10.2022 registered under Sections 379, 411, 420, 473, 489-A, 489-B, 439-C IPC; Sections 21, 23 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 and Sections 419, 120-B IPC added later on, at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioner contends that petitioner is innocent. He has been falsely implicated in the present case on the basis of disclosure statement, which is a very weak type of evidence having no evidentiary value. There is no incriminating material on record to link the petitioner with the crime. Petitioner was not present at the spot at the time of alleged crime. Petitioner is not involved in any other FIR. He is

CRM-M-40924 of 2022

ready and willing to join the investigation.

Per contra, learned State counsel opposed the petition for grant of anticipatory bail to the petitioner submitting that petitioner is the member of a gang of smugglers having links with Pakistani smugglers from whom they used to get heavy quantity of narcotics, fake currency, arms and ammunition from Pakistan side and used to supply the smuggled items in different States of India.

I have heard learned counsel for the petitioner as well as the learned State counsel and perused the paperbook.

Perusal of the file shows that the present FIR has been registered against the present petitioner alongwith co-accused on the basis of secret information and later on barricading was done by the police party at the disclosed place, where co-accused Vikram and Arun Bhatti were apprehended while they were coming on a grey colour Maruti car, two persons who were coming on a motor cycle behind the said car including the applicant/accused succeeded in running away from the spot. Recovery of one pistol alongwith magazine, 25 live cartridges, one stolen Maruti car, three mobile phones and fake currency notes of ₹80,000/- was effected from co-accused Vikram and Arun Bhatti at the spot. During interrogation, co-accused Vikram suffered a disclosure statement that his father Tek Chand (petitioner), his brother Gagan and relative Balwinder Singh have links with Pakistani smugglers and from them they used to get Heroin, arms and ammunition and supply the same in different parts of the country. He also disclosed that out of the two persons, who

CRM-M-40924 of 2022

succeeded in running away from the spot on motor cycle, one was his father Tek Chand applicant/accused, who was having 4 Kg of Heroin at that time. Thus, there are serious allegations against the petitioner. He is involved in drug paddling and smuggling of illegal arms and ammunition at a large scale. Besides, this recovery of fake currency notes of ₹ 80,000/- has also been effected in this case, which is also a very serious offence. As per the disclosure statement of co-accused Vikram, he alongwith petitioner have supplied three packets of Heroin at Jammu and co-accused Arun Bhatti and Balwinder Singh supplied three packets of Heroin at Bikaner Rajasthan. So, As per the allegations of prosecution, the applicant/ accused has links with Pakistani smugglers and in this case he is the main link in chain of smuggling of illegal weapons, narcotics and fake currency. Therefore, considering the gravity of the offence, this Court is of the considered view that custodial interrogation of the petitioner is required to know about the other persons involved in dealing of illegal weapons and narcotics etc.

In view of above, no ground is made out to grant anticipatory bail to the petitioner.

Dismissed.

October 12, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No