

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

211

**CRM-M-50331-2021
Date of decision: 10.01.2022**

MANPREET SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Tarun Sharma, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.12 dated 17.01.2021 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "NDPS Act") at Police Station Bagha Purana, District Moga to which Section 29 of the NDPS Act was added later on.

Notice of motion was issued on 02.12.2021 by this Court.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Shamsher Singh, PPS, Deputy Superintendent of Police, Baghapurana, District Moga sent through e-mail, print out of which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not named in the FIR and was only nominated as an accused on the basis of statement suffered by co-accused Sukhdev Singh @ Kala. Co-accused Sukhdev Singh @ Kala from whom the alleged recovery of 480 intoxicant tablets (Clovidol 100 SR) was effected has already been granted the concession of bail by Special Court, Moga vide order dated 09.03.2021. The alleged recovery of contraband falls under non commercial quantity and rigors of Section 37 of the NDPS are not applicable in the present case. The petitioner is ready to join the investigation and his custodial interrogation is not required.

On the other hand, learned State Counsel has submitted that the petitioner is accused of supplying/selling the contraband to co-accused Sukhdev Singh @ Kala and his custodial interrogation is required to get the source of contraband. In view of gravity of accusation, the petitioner does not deserve the grant of anticipatory bail and the petition may be dismissed.

Learned State Counsel has further submitted that in view of the reply filed, the petitioner is a habitual offender and apart from the present case he is involved in two other cases of the NDPS Act.

The Courts have been granted power to grant anticipatory bail to protect against motivated criminal litigation instituted at the instance of unscrupulous litigants animated by malice or political vendetta. Grant of anticipatory bail is an extra-ordinary remedy and is not, therefore, intended to be granted in every case. Number of factors including nature and gravity of the offences, quantum of sentence,

likelihood of the accused absconding, intimidating or influencing the witnesses or tempering with the evidence or committing similar offences have also to be taken into consideration.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the petitioner being involved in two other cases of the NDPS Act showing him to be a habitual offender and also that custodial interrogation of the petitioner is required to get the source of the contraband but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner does not deserve the grant of anticipatory bail.

In view of the above, the petition for grant of anticipatory bail to the petitioner is hereby dismissed.

10.01.2022
kavneet singh

(SANT PARKASH)
JUDGE

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