

CRM-M-49242-2022

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

Sr. No.262

CRM-M-49242-2022 (O&M)

Date of decision : 21.12.2022

Mandeep Singh @ Manpreet Kumar @ Bunty

.....Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Piyush Sharma, Advocate for the petitioner(s)

Mr.Kamalpreet Bawa, AAG, Punjab

AMAN CHAUDHARY, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.146 dated 17.08.2022, registered under Section 21, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Garshankar, District Hoshiarpur.

As per FIR, the police officials, who were present at Adda Barapur near T-Point, while on patrolling duty, caught a suspected person, who disclosed his name as Amanpreet Singh, from whom 25 grams of heroin was recovered.

Learned counsel for the petitioner would contend that co-accused, Amanpreet Singh, from whom the allegedly contraband was recovered has intentionally named him in his disclosure statement, even when the petitioner had no concern with the alleged recovery. Even otherwise, such a statement has no value in the eyes of law. He places

reliance on the judgment in the case of **Tofan Singh vs. State of Tamil Nadu**, 2020 AIR (Supreme Court) 5592. The petitioner is ready and willing to join the investigation and cooperate with the investigating agency. Thus, he prays for grant of anticipatory bail to him.

Learned State counsel opposes the prayer of the petitioner on the ground that the petitioner was specifically named by co-accused Amarpreet Singh, in his disclosure statement on 17.8.2022 to the effect that the heroin recovered from him had been purchased from Bunty, the present petitioner @ Rs.1000/- per gram to sell it further to his customers. Custodial interrogation of the petitioner is required in the instant case to recover the amount and to find the source of origin as also the entire chain of supply of contraband.

Heard.

It is apposite to make a reference to the order of Hon'ble The Supreme Court of India in the case of **Prabhulal vs. Central Bureau of Narcotics**, wherein the SLP (Crl.) 6722-2022 was dismissed vide order dated 14.12.2022, affirming the order of dismissal of anticipatory bail by Madhya Pradesh High Court, by observing thus:-

“We have heard learned counsel for the parties. We find no reason to grant pre-arrest bail to the petitioner as prayed for. The Special Leave Petition is, accordingly, dismissed.

The interim protection granted by order dated 11.10.2022 stands vacated in view of the dismissal of the special leave petition.

However, if the petitioner surrenders and apply for regular bail, the same may be considered by the Trial

Court as expeditiously as possible on its own merits in accordance with law.”

Furthermore in the case of **State of Haryana vs. Samarth Kumar**, 2022 LiveLaw (SC) 622, Hon’ble The Supreme Court of India has held thus:-

“7. The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.

8. In cases of this nature, the respondents may be able to take advantage of the decision in **Tofan Singh vs. State of Tamil Nadu** (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.

9. To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into error in granting anticipatory bail to the respondents.

10. In view of the above, the appeals are allowed. The impugned orders are set aside. As a consequence, the Appellate –State is entitled to take steps, in accordance with law.”

In the present case, co-accused Amarpreet Singh in no uncertain terms, disclosed the name of the petitioner being the person from whom he had purchased the heroin at the rate of Rs.1000/- per gram in order to sell it further. The sole ground taken by the petitioner for grant of anticipatory bail in view of the judgment in the case of **Tofan Singh** (supra) that the disclosure statement of co-accused is inadmissible, has no force, as per the law laid down by Hon'ble The Supreme Court of India in the cases

of **Prabhulal** and **Samarth Kumar** (supra). Thus, the allegations against the petitioner call for a deeper probe, to unearth the modus operandi, source of origin, chain of supply and find out the involvement of other persons therein, for which the custodial interrogation of the petitioner is required, so as to also eradicate the menace of drug proliferating. The grant of pre-arrest bail in the present case shall be detrimental to the investigation.

The stringent provisions as contained in the statute, are to deal with the drug menace, plaguing the society, as the youth are being led on a path having deleterious effects, thereby destroying the very social fabric.

Keeping in view the aforesaid, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. As a sequel thereto, the present petition being bereft of merit, is hereby dismissed.

21.12.2022

(AMAN CHAUDHARY)

gsv

JUDGE

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