

CRM-M-48760 of 2022

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

CRM-M-48760 of 2022  
Date of decision: 28.10.2022

Jarnail Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Sukhmeet Singh, 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.153 dated 22.09.2022 registered under Sections 18, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sirhind, District Fatehgarh Sahib.

Brief facts of the case are that on 22.09.22, when the police party while on patrol duty in order to search for miscreants were going from Rajpura to Sirhind, highway and in front of Continental Group of Institutes, barricade was held and vehicles coming from Rajpura towards Sirhind, were checked, at about 11.30 a.m., one truck trolly bearing No.PB13-X-9079 was spotted coming from the side of Rajpura, which was stopped at short distance at the barricade. On the basis of suspicion,

CRM-M-48760 of 2022

the police party inquired about the name of driver and conductor. On the checking of the cabin of truck, a bag was found lying behind the driver seat in the cabin of the truck and in that bag, 2 KGs of opium in the polythene bag was found, which was taken into possession. During investigation, in his disclosure statement co-accused Gurmail Singh named the petitioner as one of the accused.

Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the present case. He was not present at the spot. Nothing has been recovered from him. Petitioner has been nominated as an accused only on the basis of disclosure statement of co-accused, namely, Gurmail Singh, which is a very weak type of evidence. Petitioner is not involved in any other case. He is ready to join the investigation as and when called by the investigating officer.

On the other hand, learned State counsel opposed the petition for grant of anticipatory bail to the petitioner.

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

Accused Gurmail Singh during investigation has categorically disclosed that it was the petitioner at whose instance, he had brought opium in his truck for which he had to be paid ₹20,000/-. Prima facie it appears that petitioner was in constant touch with accused Gurmail Singh and, thus, was actively involved in transportation of the opium. As the matter is required to be investigated thoroughly, therefore, petitioner does not deserve the concession of anticipatory bail. The advantage of recovery's absence and the surfacing of the name in the disclosure

CRM-M-48760 of 2022

statement might be used at the time of arguing regular bail or during the trial.

Dismissed.

October 28, 2022  
R.S.

(ASHOK KUMAR VERMA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |