

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

**CRM-M-51378 of 2022
Date of Decision:- 08.12.2022**

Sonu

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Kamal Narula, Advocate
for the petitioner.

Mr. C.L. Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J.(Oral)

Present petition has been filed by the petitioner seeking grant of anticipatory bail in case having FIR No.122 dated 18.09.2022, registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (later on Section 29 of NDPS Act has been added vide rapat No.21 dated 20.09.2022) at Police Station Kulgarhi, District Ferozepur.

Notice on motion.

On asking of the Court, Mr. Chaman Lal Pawar, Addl. AG, Punjab accepts notice on behalf of the State.

The counsel for the petitioner inter alia submits that the FIR in this case was registered against Gurpreet Singh from whom the police allegedly recovered 260 grams of heroin on 18.09.2022 while he was travelling in a verna car PB10-GS-7711. The counsel

for the petitioner further submits that the petitioner is owner of said car. The counsel for the petitioner further submits that the petitioner is not involved in any other case under the NDPS Act and is ready to join the investigation.

The present petition is resisted by the State counsel who submits that in the present case 260 grams of heroin was recovered from the possession of co-accused Gurpreet Singh by the police on 18.09.2022 while he was travelling in verna car which is owned by the petitioner and accordingly the FIR was registered in the present case. It is further contended that during the investigation aforesaid Gurpreet Singh made disclosure that he procured the said heroin from the present petitioner and as such, the petitioner is required by the police for proper investigation of the present case. So, prayer is made that the present petition be dismissed.

I have considered the submissions made by counsel for the parties.

Admittedly the petitioner was not named in the FIR which was registered against co-accused Gurpreet Singh from whom the police recovered commercial quantity of contraband i.e. 260 grams of heroin and drug money worth Rs.10,000/- on 18.09.2022. The name of the present petitioner surfaced on the basis of the disclosure statement made by co accused Gurpreet Singh while in police custody and further the car used for transportation of the contraband belongs to the petitioner. In the light of law laid down by

Hon'ble Supreme Court in *criminal appeal No.1005 of 2022, decided on 20.07.2022, State of Haryana Vs. Samarth Kumar*, at this stage nothing could be said regarding the disclosure statement made by co-accused Gurpreet Singh against the present petitioner. Further, the custodial interrogation of petitioner is required as car belonging to him was used for drug trafficking by co-accused Gurpreet Singh.

The present case is registered with regard to recovery of commercial quantity of contraband. So rigors of Section 37 of NDPS Act are applicable in the instant case.

In the light of facts and circumstances discussed above, this Court is of the view that the present petition deserves to be dismissed. Accordingly, the same is hereby dismissed. However, observations made herein above are not be construed as opinion on the merits of the case.

08.12.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No