

CRM-M-60718-2022

1

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

Sr. No.110

CRM-M-60718-2022

Date of decision : 23.12.2022

Daljit Singh @ Raja

.....Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Sahil Puri,Advocate for the petitioner(s)

Mr.Manipal Singh Atwal, DAG, 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.31 dated 26.01.2020, registered under Sections 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Phagwara, District Kapurthala.

As per the version of the prosecution, on 26.01.2020, when the police officials while on patrolling duty were present in the area of Dara Palace, Phagwara, three persons sitting on motorcycle were apprehended and the boy sitting on back had thrown the bag carried in his hand. On search of the bag, recovery of 23 intoxicated injections without label, Rs.1000/- from Daljit Singh, scooter driver and Rs.30,000/- from Jatinder Kumar was effected. After due procedure, the same were seized and the accused petitioner was arrested at the spot.

Learned counsel would contend that the petitioner has been released on interim bail by learned trial Court on the ground of non-receipt

of the FSL report. Co-accused Jatinder Kumar @ Happy, who was similarly situated to the petitioner, has already been granted the concession of anticipatory bail by this Court vide order dated 14.9.2021 passed in CRM-M-6620-2022. Nothing is to be recovered from him. He is ready and willing to join the investigation and cooperate with the investigating agency. Thus, learned counsel prays for grant of anticipatory bail to the petitioner.

On receipt of advance notice, learned State counsel appears and opposes the prayer of the petitioner on the ground that the petitioner was granted interim bail by the learned trial Court in absence of the FSL report. However, now the FSL report has been received, therefore, he should have surrendered and thereafter, applied for grant of bail. There are three more FIRs against the petitioner i.e. FIR NO.28 dated 21.1.2018, under Section 15 NDPS, FIR No. 179 dated 23.5.2020, under Section 304/34 IPC and FIR No. 193 dated 3.10.2022 under Section 21 of NDPS Act. Custodial interrogation of the petitioner is a must was the vehement submission.

Heard.

It is apposite to refer to the order of Hon'ble The Supreme Court of India in the case of **State of Haryana vs. Samarth Kumar**, 2022 LiveLaw (SC) 622, wherein it has been held that to grant anticipatory bail in cases of this nature under the NDPS Act is not really warranted and as such, the order passed by the High Court was set aside.

In the present case, the petitioner was interim bail only on the ground of non-receipt of the FSL report, which has since been received, therefore, he ought to have surrendered before the trial Court but he has instead approached this Court by way of the present petition. The

antecedents of the petitioner are not clean and the allegations against him also 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, so as to also eradicate the menace of drug proliferating, for which the custodial interrogation of the petitioner is required. 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 peculiarity of facts and circumstances of the case and the antecedents of the petitioner, 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.

23.12.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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