

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1810 of 2023(O&M)
Date of Decision: 28.04.2023

Satnam Singh @ Sattu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by:- Mr. J.S. Thind, Advocate
For the petitioner.

Mr. Naveen Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 83 dated 19.02.2020, registered under Sections 22-C, 61 & 85 of Narcotic Drugs and Psychotropic Substances Act (for brevity, the Act) at Police Station Rania, District Sirsa.

The brief facts of the case are that co-accused Kulwinder Singh was apprehended and 5000 capsules of Ridlay Parvioren-Spas Tramadol were recovered from him by the police on 19.02.2020. The said capsules were in the shape of strips each containing 10 capsules having batch number, manufacturing date and expiry date. Thereafter, said Kulwinder Singh made disclosure statement that he purchased the aforesaid capsules from the

present petitioner. Resultantly, the petitioner is named as accused in the present case.

The counsel for the petitioner submits that the petitioner has been falsely impleaded as accused in the present case on the basis of disclosure statement of co-accused Kulwinder Singh. The counsel for the petitioner further submits that the said disclosure statement of co-accused is not relevant and its admissibility and veracity will be tested during the trial. The counsel for the petitioner further submits that except for the alleged disclosure statement, there is no other evidence in the shape of call detail record or otherwise to connect the petitioner with the aforesaid recovery of 5000 capsules which is stated to be effected from co-accused Kulwinder Singh. The counsel for the petitioner further submits that the petitioner is ready to join the investigation with the police. In support of his contentions, the counsel for the petitioner has placed reliance on judgment of the Hon'ble Supreme Court in **Tofan Singh Vs. State of Tamil Nadu (2021) 4 SCC 1**.

The present petition is contested by the State counsel who submits that commercial quantity of medical intoxicants were recovered from the possession of co-accused Kulwinder Singh. The State counsel further submits that rigors of Section 37 of the Act are applicable to the present case. The State counsel further submits that the name of the petitioner surfaced in the disclosure statement made by Kulwinder Singh. It is further submitted that the custodial interrogation of the petitioner is necessary for proper and effective investigation of the case. So, prayer is made that present petition be dismissed.

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

As per the prosecution version, 5000 capsules having medical intoxicants were recovered from the possession of co-accused Kulwinder Singh and the said recovery falls in commercial quantity as per the provisions of the Act. So, the embargo provided under Section 37 of the Act is attracted to the present case. Further, the relevancy and admissibility of the disclosure statement made by co-accused Kulwinder Singh against the present petitioner cannot be considered at this initial stage in the light of law laid down by Hon'ble Supreme Court in **State of Haryana Vs. Samarth Kumar**, 2022(3) RCR(Crl.) 991.

In light of the above, this Court is of the view that the petitioner is not entitled to get interim protection, as the same will amount to interference in the investigation.

Accordingly, the present petition is hereby dismissed. However, observations made hereinabove are not to be construed as opinion on the merits of the case.

28.04.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No