

CRM-M-1804 of 2023

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

CRM-M-1804 of 2023
Date of decision: -13.01.2023

Ajaib Singh

.....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Kulwinder Singh Lakhanpal, Advocate,
for Mr. Lakhwinder Singh Lakhanpal, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.51 dated 25.11.2022 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added lateron), registered at Police Station Fatehgarh Panjtoor, District Moga.

Present FIR has been lodged on the basis of ruqa sent by ASI Ashok Kumar that on 25.11.2022, he along with other police officials on Government Bolero vehicle bearing No.PB-29/H8312 in connection with patrolling was present at Bus Stand, Shah Bukar Road, Fatehgarh Panjtoor. He received secret information that Dharamjit Singh @ Bawan son of Balvir Singh, Ajaib Singh (present petitioner)

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son of Anoop Singh and Jand Singh son of Baaj Singh are indulging in sale of poppy husk and they are coming on white scorpio vehicle bearing No.HR-26/BW-8290 towards Fatehgarh Panjtoor while carrying poppy husk. If nakabandi is laid, they can be apprehended red handed. Accordingly, FIR was registered. Above said Scorpio vehicle was intercepted. On seeing the naka of police, petitioner and Jand Singh son of Baaj Singh by taking advantage of darkness, managed to escape. Whereas Dharamjit Singh was apprehended with Scorpio vehicle bearing No.HR-26/BW-8290. On search of vehicle, 12 plastic bags containing total 240 kilograms poppy husk had been recovered from it.

Learned counsel for the petitioner contends that petitioner is innocent and has been falsely implicated in the present case. He was not apprehended at the spot nor any recovery was effected from him. He contends that alleged recovery has been effected from co-accused Dharamjit Singh. Learned counsel further contends that petitioner is ready and willing to join the investigation.

Per contra, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner. He submits that petitioner is a habitual offender as he is involved in six more cases under the NDPS Act and one under Section 498-A, therefore, he does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties and perused the record.

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In the present case, 240 kgs of poppy husk has been recovered, which falls under the category of “commercial quantity”. The question whether petitioner has been falsely implicated or not is a matter of trial. Perusal of the file shows that petitioner is a habitual offender as he is involved in seven more cases i.e. six under the NDPS Act and one under Section 498-A IPC. The details of those cases are as under: -

Sr. No.	FIR No./Dated	Under Sections	Police Station
1.	80/25.04.2017	498-A IPC	Dharamkot
2.	247/01.02.2014	15 of the NDPS Act	Dharamkot
3.	155/27.02.2017	15, 29 of the NDPS Act	Dharamkot
4.	97/27.09.2017	15, 25 of the NDPS Act	Mehna
5.	20/27.02.2018	15 of the NDPS Act	Mehna
6.	78/24.04.2017	18 of the NDPS Act	Dharamkot
7.	243/12.10.2022	15, 29 of the NDPS Act	Dharamkot

For effective interrogation, especially for the violation of NDPS Act, custodial interrogation is necessary. The lives of the citizens are being destroyed due to the selling of these banned substance. There is an alarming spike in the number of people buying and selling these contraband in the country especially in Punjab, which needs to be controlled in an effective manner so as to minimise the said offence, if not to eradicate. This country has one of the largest number of youths, a factor to power economic growth, but an overwhelming majority of addicts are amongst these youths, which has resulted in increase of crime and violence. The increasing number of drug addicts day by day has resulted into an upsetting situation. The role of operators, who are working from behind the scene, also needs to be

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brought out as they are the actual offenders and for that purpose custodial interrogation of the petitioner is must.

Keeping in view of the peculiar facts and circumstances of the case, this Court is of the considered view that petitioner does not deserve the concession of anticipatory bail under Section 438 Cr.P.C. in the present case and, thus, the present petition stands dismissed.

13.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No