

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-4758-2023
Date of decision:24.05.2023

GURDEV SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

Ms. Himani Arora, AAG Punjab.

GURBIR SINGH, J. (ORAL)

The prayer in the present petition is filed under Section 438 Cr.P.c. for grant of anticipatory bail to the petitioner in case FIR No.116 dated 08.08.2022, registered under section 22 of NDPS Act, 1985 (Section 29 NDPS Act added later on) at police Station Kot Isse Khan, District Moga.

Status report by way of affidavit Ravinder Singh, PPS, Deputy Superintendent of Police, District Moga has been filed by learned state counsel, which is taken on record.

Learned counsel for the petitioner submits that petitioner was not named in the FIR. The petitioner has been nominated in this case on the basis of disclosure statement made by the co-accused while in custody. He is ready to join investigation. His name is not Kakku Chakkiwala. Name of some other person was disclosed.

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Learned State counsel submits that 22 strips of Etizolam Tablet 0.25 (Mouth dissolving), each strip contained 10 tablets, total 220 tablets of Etizolam were recovered, which is of commercial quantity. She submits that recovery is of commercial quantity so he is not entitled for anticipatory bail. She further submits that the petitioner is also involved in one more case of NDPS. Learned State counsel also submits that it is the petitioner whose name was disclosed by co-accused.

Heard.

As status report, the co-accused has given the name as Kaku Chakkiwala S/o Kapoor Singh. On the basis of said disclosure statement Kaku Chakkiwala was nominated as accused and offence under Section 29 of NDPS Act was added vide DDR No.34 dated 08.08.2022. During investigation, it was found that actual name of Kakku Chakkiwala is Gurdev Singh.

Since recovery from the co-accused is of commercial quantity and person may be known by more than one names, it can only be ascertained during the interrogation of the case, what role petitioner has played in this case. In case, ***“State of Haryana Vs. Samrath Kumar, 2022(3) RCR (Criminal) 991”***, it is held that disclosure statement of co-accused at this stage, cannot be ignored. The menace of drug is eating the basic social fabric of this society. It is necessary to bring truth on the file. Custodial interrogation of petitioner is necessary.

Therefore, no ground is made out.

Petition stands dismissed.

(GURBIR SINGH)
JUDGE

24.05.2023

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Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No