

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 101

CRM-M-4975-2023

Date of decision : 01.02.2023

Ajay Kumar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.A.S.Brar, Advocate, for
Mr.Kamal Narula, Advocate, for the petitioner.

Mr.Arun Luthra, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.01 dated 01.01.2023 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Special Task Force, Phase-4, District SAS Nagar, Mohali.

Briefly stated, the case of the prosecution is that during the course of routine patrolling by the police two persons were seen travelling on a motorcycle. When the police signalled them to stop their motorcycle, they attempted to turn back but the motorcycle slipped and they fell down. The driver of the motorcycle immediately picked up the motorcycle and succeeded in fleeing from the spot whereas the pillion rider was apprehended by the police party. The pillion rider was later identified as Mohit from whose possession 105 grams of heroin was recovered. During his interrogation Mohit disclosed that the driver of the motorcycle, who had managed to flee from the spot, was the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he has no other criminal antecedents and that he has been arrayed as an accused on the basis of a disclosure statement of a co-accused made in police custody which has no evidentiary value.

Learned counsel for the petitioner has been heard and with his able assistance the record of the case has also been perused.

Allegedly, the petitioner and his co-accused are dealing in heroin. The conduct of the petitioner of having been fled from the scene after being signalled to stop by the police speaks volumes of his conduct which is not found appreciable. The source of the recovered drugs and whether the same were to be supplied to someone needs to be investigated.

In the light of the above, this Court is of the opinion that the petitioner does not deserve to be granted anticipatory bail.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present bail application and the same would not be construed to be an expression of opinion on the merits of the case.

01.02.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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