

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-12111-2023
Date of decision: 20.04.2023

ROHIT KUMAR

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Ankit Gupta, Advocate
for the petitioner.

Ms. Himani Arora, AAG Punjab.

GURBIR SINGH, J. (ORAL)

The prayer in the present petition is for issuance of direction to the Investigating Officer as well as trial Court to release the petitioner on anticipatory bail in the event of his arrest in case bearing FIR No.16 dated 25.01.2023 under Sections 21 and 29 of Narcotic and Psychotropic Substances Act, 1985, registered at police station City Hoshiarpur, District Hoshiarpur (Annexure P-1).

Status report dated 20.04.2023 by way of an affidavit of Palwinder Singh PPS, Deputy Superintendent of Police, Sub Division City, District Hoshiarpur on behalf of the respondent-State has been filed today in the Court and the same is taken on record. A copy thereof has been supplied to the counsel opposite.

As per case of the prosecution, the police officials were on patrolling and were going towards Ghanta Ghar/Clock Tower from CIA Staff Office, Hoshiarpur via Dushera Ground-Khanpuri Gate-bus stand. When the Police party turned towards Kamalpur Chowk from Sabzi Mandi Chowk, they saw one Sikh youth

coming from small street towards main road, who on seeing the police party, threw a plastic polythene bag of black colour in the street and tried to slip away. ASI with the help of other police officials apprehended him. On asking, he disclosed his name and address as Kamaljeet Singh son of Raghubir Singh, resident of house No.B-12, MCH-593, Mohalla Jagatpura, Jalandhar road, Hoshiarpur. His search was conducted as per rules. From the polythene bag which was thrown by him, 35 grams of heroin was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He is not named in the FIR. Recovery from the co-accused is of non-commercial quantity. He is ready to join the investigation.

Learned State counsel has opposed the petition.

It is submitted that the petitioner is supplier of the heroin. On the basis of confessional statement of the accused Kamaljeet Singh, offence under Section 29 of NDPS Act and accused Harjit Singh and Bikramjit Singh were nominated in the present case vide DDR No. 13 dated 26.01.2023. Kamaljeet Singh further disclosed that he purchased 40 gram of heroin from accused Harjit Singh on 22.01.2023 at the rate of Rs.3,000/- per gram. Harjit Singh and Bikramjit Singh were arrested on 26.01.2023 and 48 grams of heroin along with sum of Rs.18,400/- drug money, computer kanda and small envelope were recovered from them. Harjit Singh suffered confessional statement that he purchased 55 grams of heroin and 40 grams of heroin from the petitioner at the rate of Rs.3000/- per gram. He purchased 55 grams of heroin for himself and 40 grams of heroin for selling the same to the accused Kamaljit Singh. After purchasing 40 grams of heroin from the petitioner, he supplied 40 grams of heroin to accused Kamaljit Singh. On the basis of confessional statement of accused Harjit Singh, the petitioner was nominated as an accused in the present case vide DDR No.29 dated 30.01.2023. It is further

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submitted that 3 other cases including 2 under the Narcotic and Psychotropic Substances Act already registered against the petitioner. The petitioner is a habitual offender and the custodial interrogation is necessary to know the source of his supplier.

Heard.

The petitioner was arrested on the basis of disclosure statement of co-accused. Two other cases under the Narcotic and Psychotropic Substances Act are pending against the petitioner. The details of same are as under:-

(1) FIR No. 328, dated 20.10.2022, under Section 21(B) of NDPS Act was registered at Police Station Phillaur, District Jalandhar against the petitioner and the case is pending for trial.

(2) FIR No. 117, dated 24.07.2021, under Section 22(B) of NDPS Act was registered at Police Station Mehtiana, District Hoshiarpur against the petitioner and the case is pending for trial.

The petitioner seems to be habitual offender. There are specific allegations against the petitioner that he is supplier of contraband. He would have been receiving from some one. Unless the source of supply of contraband is not nominated and tried the trial of user of drugs or sellers of small quantity is not going to serve the purpose of eradicating the drugs from the society. The custodial interrogation of petitioner is necessary to know the source, who is spoiling the youth of Punjab. In case, ***The State of Haryana Vs. Samarth Kumar 2022(3) RCR (Criminal) 991***, the Hon'ble Apex Court held that at this stage disclosure statement of co-accused can be taken into consideration. The admissibility of such statement can be seen during trial of the case.

Petition, without merit stands dismissed.

The observation made herein are for the purpose of deciding the present

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petition and the same shall not be construed as an expression of opinion and the merits of the case.

(GURBIR SINGH)
JUDGE

20.04.2023
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Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No