

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(206)

CRM-M-12608-2023

Date of decision:- 09.08.2023

Amritpal Singh @ Kalu ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Manpreet Kaur, Advocate for
Mr. Amardeep Singh, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in:-

FIR No.	Dated	Police Station	Sections
13	08.02.2023	Sadar Tarn Taran, District Tarn Taran	21 (b) and 29 of the NDPS Act

2. Case of the prosecution is that when a police party was on patrolling, a man was apprehended and a polythene bag was seized, which on analysis was found to contain 90 grams of heroin.

3. Counsel for the petitioner has argued that the petitioner has been falsely framed and no recovery as alleged was made from him. He submits

that the recovery was allegedly made from Jashanpreet Singh @ Jashan and the petitioner has been implicated on the basis of his disclosure statement.

4. *Per contra*, upon instructions received from ASI, Gurmeet Singh, State counsel has opposed the petition and has submitted that the petitioner is the supplier and has been indulging in the purchase and sale of prohibited substance since the last many years. He has highlighted the criminal past of the petitioner.

5. I have heard the counsel for the parties and considered their respective submissions.

6. As per information supplied by the State counsel, petitioner is involved in as many as ten other criminal cases, the details of which are as under:-

“1. *FIR No.166 of 2017 under Sections 366-A, 363 IPC, Police Station Kotwali, Kapurthala.*

2. *FIR No.70 of 2017 under Sections 25 of Arms Act, Police Station GRP Kotwali, Patiala.*

3. *FIR No.266 of 2018 under Sections 21, 25, 29 of NDPS Act Police Station Sadar Tarn Taran.*

4. *FIR No.41 of 2019 under Sections 323, 452, 506, 427, 148, 149 IPC Police Station Sadar Tarn Taran.*

5. *FIR No. 86 of 2019 under Sections 21 of NDPS Act, Police Station Sadar Tarn Taran.*

6. *FIR No.6 of 2020 under Sections 21, 29 of NDPS Act Police Station Verowal.*

7. *FIR No. 337 of 2020 under Sections 42, 52 of Prison Act, Police Station Islamabad, Amritsar.*
8. *FIR No.121 of 2022 under Sections 21-B of NDPS Act Police Station Sadar Tarn Taran.*
9. *FIR No. 95 of 2022 under Sections 25 of Arms Act Police Station Sarhali.*
10. *FIR No.124 of 21.06.2022 under Section 25 (6) (7) of Arms Act, Police Station Sadar, Tarn Taran.”*

7. Considering the criminal antecedents of the petitioner and nature of allegations against him, this Court is *prima facie* of the view that the probability of the petitioner indulging in the trade of prohibited substance cannot be ruled out. Releasing him on bail would encourage him to continue with the nefarious activity.
8. In view of the above, this Court is not inclined to exercise the discretionary power and release the petitioner on anticipatory bail.
9. Finding no merit, petition is dismissed.
10. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

09.08.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No