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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-13049-2023
Date of Decision: September 05, 2023

Gurpreet SinghPetitioner(s)

Vs.

State of PunjabRespondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Amit Kumar Saini, Advocate for the petitioner(s).
Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA J. (ORAL)

FIR No.	Dated	Police Station	Sections
0161	27.09.2022	Bulowal, District Hoshiarpur	21 of NDPS Act (29 of NDPS Act added later on vide G.D. No.19 dated 28.09.2022

1. The petitioner apprehending arrest in the FIR captioned above, on the allegations of selling 1500 tablets of Tramadol to one Jarnail Singh from whose possession the police had recovered it, had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 17.08.2023, the petitioner was granted interim protection, which is continuing till date.
3. Counsel for the petitioner submits that the petitioner was never involved in any other NDPS matter and in the present case also, he has been falsely implicated. Even there is name of someone else in the disclosure statement. In Para 3, he explicitly states that his mobile number is not connected with that of co-accused Jarnail Singh and even he does not know him. He specifically states that

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he could prove that no calls were exchanged between petitioner and co-accused Jarnail Singh and Investigating Agency can verify this fact.

4. Counsel for the petitioner submits that the petitioner had worked with Aggarwal Medical Store for approximately 15-16 1/2 years before the incident and later he had left the job. Presently, he is taking training in a *Saloon*.

5. State counsel submits while referring reply filed by State that concerned DySP specifically inquired from Municipal Councilor Ms. Rajni who stated that phone number of Gurpreet Singh is 7719712500. Infact, the petitioner does not specifically denies about this number but his stand is that police is afraid to verify the exchange of calls made between petitioner and accused-Jarnail Singh, infact no calls were exchanged between them.

6. It would be appropriate to refer para 3 and 4 of the reply dated 26.07.2023, which reads as follows:-

“ 3. That it is submitted that during the investigation, the co-accused Jarnail Singh @ Pappu suffered confession statement that he has been purchasing intoxicated tablets Tramadol from Vicky rlo Bharwain Road Hasmarpur who has mobile number 77197-12500 and then he sells the same to the customers on high price. On 27.9.2022, he purchased 1500 Tramadol intoxicated tablets from Vicky ro Bharwain Road Hoshiarpur On the basis of above said confession statement of accused Jarnail Singh @ Vicky, the petitioner was nominated in the present case and offence U/s T 443 296 850 NDPS was added to the present case vide DDR No.19, dated 28.09.2022. True copy of FSL report is annexed as annexure R-3.

4. That it is submitted that the petitioner is supplier of intoxicated tablets and he sells the same and is spoiling the life of the youth of the area. 1500 Tramadol Hydrochloride Tablets USP 100 MG (Excel) was recovered from the accused Jarnail Singh @ Pappu which was supplied by the petitioner to him for selling the same to the customers. The custodial interrogation of the petitioner is very much required in the present case for proper probe of the case. Therefore, the present petition is liable to be dismissed.”

7. A perusal of the above said reply does not point out any other evidence whatsoever except the confessional statement of co-accused Jarnail Singh. Even if this Court believes such statement, still that allegation is not

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sufficient *prima facie* say that petitioner had supplied the said tablets to the accused-Jarnail Singh. This is for the reason that State counsel did not dispute the explanation of the petitioner’s mother that he had resigned from the Aggarwal Medical Store around 7-8 months ago i.e. prior to the incident and start getting training to run *Saloon*.

- 8. Counsel for the petitioner submits that conditions of the order dated 17.08.2023 have been complied with and they undertake not to violate any of the conditions.
- 9. State does not dispute the submission of counsel for the petitioner.
- 10. Given above, interim order dated 17.08.2023 made absolute.

(ANOOP CHITKARA)
JUDGE

September 05, 2023
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No