

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-17437-2023 (O&M)
Date of decision: 14.07.2023

Bittu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. N.S. Sodhi, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case FIR No.319 dated 25.12.2022, registered under Sections 21, 29 of the NDPS Act, at Police Station Special Task Force Phase-4, District SAS Nagar (Mohali).

Status report by way of affidavit dated 05.05.2023 of the Deputy Superintendent of Police, Special Task Force, Ferozepur Range, Ferozepur, already filed in the Registry is taken on record. Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner was not named in the FIR; that nothing was/is to be recovered from the petitioner and that the petitioner has been indicted in the present case on the basis of the disclosure statement of co-accused Kulwant Singh, who is shown to be apprehended at along with 01 kg of *Heroin*.

Learned State counsel submits that the petitioner has specifically been named in the disclosure statement of the co-accused and that, if granted

the concession of anticipatory bail, the petitioner would indulge in similar crime again.

I have heard the learned counsel for the parties.

In the present case, co-accused Kulwant Singh was apprehended at the spot and the alleged recovery of 01 kg. of *Heroin* was effected from him and in his disclosure statement he had named the petitioner.

The NDPS Act is a self-contained statute which specifically deals with menace of drugs. Stringent provisions have been provided therein for dealing with such cases. The ground that the petitioner was named in the disclosure statement in itself cannot be the sole consideration for grant of pre-arrest bail. A deeper probe is required to unearth the modus operandi and chain of supply. Further, as to whether it is a case of false implication or not, would be a subject matter of investigation.

The Hon'ble Supreme Court in Criminal Appeal No.1005 of 2002 titled State of Haryana Vs. Samarth Kumar, decided on 20.07.2022, has held that advantage of the fact that no recovery was/is to be effected from the petitioner and that the petitioner has been indicted on the disclosure statement of the co-accused, as held in Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1, can be taken into consideration while dealing with the regular bail application or at the time of final hearing after conclusion of the trial.

In view of the above, no ground is made out to grant the concession of anticipatory bail to the petitioner.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

14.07.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No