

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.104

CRM-M-18135-2023 (O&M)

Date of decision : 17.04.2023

Kulwant Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Kulwinder Singh, Advocate, for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.25 dated 20.02.2023, registered at Police Station Sardulgarh, District Mansa, under Sections 15(c) & 25 of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added later on).

According to the contents of the FIR, an alto vehicle was stopped at a naka. The driver, namely, Leela Ram @ Coach tried to run away, but was apprehended. Recovery of 54 kg. poppy-husk was made.

Learned counsel for the petitioner has submitted that the petitioner has been nominated as an accused in this case on the disclosure statement of said Leela Ram @ Coach that the contraband was purchased from him. Disclosure statement is no evidence in the eyes of law and thus, the petitioner deserves the concession of anticipatory bail.

Notice of motion.

Mr. Kamalpreet Bawa, AAG, Punjab accepts notice on behalf of the respondent and waives service.

Learned State counsel submits that he is prepared with case as advance copy has been supplied to the Advocate General’s office. On instructions from ASI-Deep Singh, it is submitted that the petitioner is a known criminal as three other criminal cases were registered against him under the NDPS Act, 1985. In two of these cases, he has been convicted and in one case, he has been acquitted. Thus, the likelihood of his involvement cannot be ruled out. The case is still under investigation and on account of these facts, the petitioner does not deserve the concession of anticipatory bail.

Learned counsel for the petitioner has not been able to controvert the submissions made on behalf of the State. Regarding the acquittals and convictions, his submission is that according to his instructions, there is one conviction and two acquittals.

Instructions received from the investigating officer are entitled to be accepted over the instructions received from the petitioner as the same have not been shown to be wrong. Had there been two acquittals, the petitioner would have supplied judgments to his learned counsel. From the submissions, it is evident that the petitioner has a history of indulging in criminal activities under the NDPS Act, 1985. Thus, likelihood of his involvement in the case cannot be completely ruled out. His custodial interrogation would be necessary under the circumstances as a wider network may be revealed therefrom.

The petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

17.04.2023
Ramandeep Singh

Whether speaking / reasoned

Yes

Whether Reportable

No