

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.101

CRM-M-21280-2023 (O&M)

Date of decision: 28.04.2023

Chaman

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Mohit Vashishat, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.32 dated 27.03.2023 registered under Sections 20, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Koom Kalan, District Ludhiana.

2. Briefly stated, the case of the prosecution is that 8 Kgs of Ganja was recovered from co-accused Pappu Dass who after arrest stated before the police that it was the petitioner who has sold the recovered drugs to him. It is on such basis that the petitioner was not only nominated as an accused but was also sought to be arrested.

3. Learned counsel for the petitioner submits that the petitioner has not been named in the FIR; the only evidence against the petitioner is the alleged disclosure statement of a co-accused in police custody which has

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no evidentiary value and that the petitioner is also ready and willing to join and cooperate with the investigation.

4. Learned State counsel who appears on advance notice, seeks dismissal of the petitioner's anticipatory bail on the ground that the petitioner is involved in drug trafficking as also in another case being FIR No.102 dated 23.06.2021 registered under Section 20-B of the NDPS Act at Police Station Division No.7, District Ludhiana (for short – the first case).

5. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

6. The allegations against the petitioner are that he sold 8 Kgs of Ganja to co-accused Pappu Dass; the petitioner is involved in another case under the NDPS Act; while on bail in that case, the petitioner is alleged to have committed the offence which is the subject matter of the instant petition; thus, he has violated the terms of bail granted to him in the first case; the petitioner has not even disclosed in this petition the factum of the pendency of his involvement in the first case and that it requires to be investigated as to whether the petitioner has sold drugs to others.

7. In view of the above, this Court is of the opinion that the petitioner's custodial interrogation is necessary.

8. Dismissed.

April 28, 2023
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No