

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M No.24165 of 2023
Date of Decision:12.05.2023.**

Vishal @ Palli

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. M.S. Nagra, A.A.G., Punjab.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition is for the grant of anticipatory bail to the petitioner in case FIR No.34 dated 13.04.2023, under Sections 21, 27(a) of the Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Tibber, District Gurdaspur.

2. On 13.04.2023, two persons were apprehended by the police while the duo was coming on a motorcycle. The person who was riding a motorcycle namely Gagandeep Singh was found in possession of ₹35,000/- whereas the pillion rider Satnam Singh was found in possession of 5 gms of Heroin. On interrogation, they disclosed that they had purchased the heroin from the present petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated. He submits that though some other cases were registered

submits that the petitioner is willing to join investigation and abide by any condition imposed by this Court as custodial interrogation on the basis of mere disclosure statement is not legal nor is it required.

4. I have considered the submissions made by learned counsel for the petitioner, but find the same to be without any merit. Anticipatory bail application of co-accused Jhon Masih @ Joni, who has been attributed the same role, was dismissed by this Court vide order dated 05.05.2023 passed in **CRM-M No.22528 of 2023**. Out of three other cases registered against the petitioner, he is stated to have been acquitted in one and is on bail in the other two cases. Out of the two cases in which he is stated to be on bail, one is under the NDPS Act and petitioner is stated to be main accused.

5. Keeping in view the fact that other cases were also registered against the petitioner, out of which, two are still pending, this Court does not find the present case to be a case where custodial interrogation would not be required. In fact, in the considered opinion of this Court, in such cases custodial interrogation is imperative to elicit the truth.

In view of the aforementioned facts and circumstances, I do not find any merit in the present bail application and the same is hereby dismissed.

May 12th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*