

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

Sr. No.102

CRM-M No. 24781 of 2023

Date of decision : 16.05.2023

Gurjant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Manoj R Sharma, Advocate for the petitioner.
Mr. Arun Luthra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

(1) Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.65 dated 25.03.2023 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Civil Lines, Batala, District Gurdaspur.

(2) Briefly stated, the case of the prosecution is that 02 grams of heroin was recovered from co-accused Baljit Singh, who on being arrested disclosed that it was the petitioner who had supplied to him the recovered drugs. On the basis of such statement the petitioner was also arrayed as an accused.

(3) Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the only evidence against the

petitioner is the alleged disclosure statement of a co-accused in police custody which has no evidentiary value; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, only 02 grams of heroin has been recovered from co-accused Baljit Singh and that the petitioner is also ready and willing to join and cooperate with the investigation.

(4) Learned counsel for the petitioner has been heard and the record of the case has also been perused.

(5) It is not disputed that in addition to the present case the petitioner is also involved in the following 03 other cases under the NDPS Act :-

(1) FIR No.45/2022 registered under Section 21 of the NDPS Act at Police Station Motewal, District Amritsar,

(2) FIR No.158/2022 registered under Section 21 of the NDPS Act at Police Station Sadar Gurdaspur and

(3) FIR No.119/2019 registered under Section 22 of the NDPS Act at Police Station Tarsikka, District Amritsar Rural.

(4) While on bail the petitioner is alleged to have supplied drugs to co-accused Baljit Singh and thus, he violated the terms of bail in the aforesaid cases. He is also a habitual offender allegedly dealing in the purchase and supply of drugs. In the present case the source of the drugs allegedly supplied by the petitioner to co-accused Baljit Singh as also if he has sold/supplied drugs to other persons is required to be investigated.

(5) In the light of the above, the petitioner's custodial interrogation is considered necessary.

(6) Dismissed.

(7) It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

16.05.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No