

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(103)

2023:PHHC:080886
CRM-M-27167-2023
Date of Decision: 29.05.2023

Lovejeet Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. S.K. Passi, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

This is the second petition filed under Section 438 Cr.P.C praying for grant of regular bail to the petitioner in case FIR No.35 dated 6.4.2023 under sections 21(c) of NDPS Act (later on added section 29 of NDPS Act), registered at Police Station, Lohian, District Jalandhar Rural. The earlier petition filed by the petitioner i.e. CRM-M-23498-2023 seeking the same relief was allowed to be withdrawn by this court vide order dated 10.5.2023.

As per case of the prosecution, 270 grams heroin was recovered from the co-accused Gurpreet Singh @ Gopi. During interrogation he made a disclosure statement about the petitioner and thus petitioner was arrayed as an accused in this case. Petitioner approached the court of learned Addl. Sessions Judge, Jalandhar praying for grant of anticipatory bail, however, the same was declined vide order dated 19.4.2023. Aggrieved by the same petitioner has approached this court for grant of anticipatory bail.

Learned counsel for the petitioner vehemently contends that petitioner has been involved in the present case on the basis of disclosure

statement of the co-accused which is not admissible in law. He further submits that neither the petitioner was arrested on the spot nor any recovery was made from him and thus in the overall facts and circumstances of the case, he deserves to be granted bail.

I have heard learned counsel for the petitioner at length and have gone through the record carefully.

It is apparent from the record that this is the second petition praying for grant of anticipatory bail to the petitioner. The earlier one was allowed to be withdrawn by this court vide order dated 10.5.2023.

Hon'ble Supreme Court in case of *G.R. Anand Babu Vs. State of Tamil Nadu, 2021(1) RCR (Criminal) 843* has held that successive anticipatory bail applications ought not to be entertained on specious ground of changed circumstances. Even otherwise the contraband recovered from the co-accused is 270 grams of heroin which falls in the category of commercial quantity and thus the provisions of Section 37 of NDPS Act would also be attracted in this case.

Resultantly, the petition being devoid of any merit is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

29.05.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No