

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

**CRM-M-31289 of 2022 (O&M)
Date of Decision: January 30, 2023**

Bikram Singh @ Vikram Singh @ Bittu	...Petitioner
Versus	
State of Punjab	...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Shakti Mehta, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

DEEPAK GUPTA, J.(Oral)
CRM No.4086 of 2023

This is an application for placing on record affidavit of
Bikram Singh @ Vikram Singh @ Bittu.

Application is allowed as prayed for. Affidavit is taken on
record.

CRM-M-31289 of 2022

By way of this petition filed under Section 438 Cr.P.C., the
petitioner has prayed for grant of anticipatory bail in case FIR No.0091
dated 25.04.2022 registered at Police Station City Samana, District
Patiala under Section 22, 29(added later on), of Narcotic Drugs and
Psychotropic Substance Act, 1985.

Allegations are that 4,000 intoxicant tablets of Tramadol i.e.
commercial category were recovered from co-accused Gurtaj Singh alias
Taj on 25.04.2022. On interrogation, said Gurtaj disclosed that he had
purchased 10,000 tablets of Tramadol from Bikkar Singh out of which he
had sold 6,000 tablets to Bikram Singh i.e. petitioner; whereas 4,000
tablets have been recovered from him.

On 21.07.2022, following order was passed in this case by a

“Inter alia contends that in the present case, no recovery has been effected from the present petitioner and he has only been implicated on the basis of disclosure statement of the co-accused namely Gurtaj Singh @ Taj and even as per the said disclosure statement, the petitioner was not the seller of the intoxicant tablets but was stated to be the purchaser of the said intoxicant tablets which the co-accused had purchased from one Bikkar Singh son of Darbara Singh. It is further submitted that there is enmity between the petitioner and the said co-accused namely Gurtaj Singh @ Taj as has been detailed in para 4 of the petition and it is for the said reason that the petitioner has been falsely implicated in the present case. It is contended that the petitioner is not involved in any other case.

Learned counsel for the petitioner has relied upon the judgment passed by the Hon'ble Supreme Court in Tofan Singh Vs. State of Tamil Nadu, reported as 2021(1) RCR (Criminal) 1, an order passed by Coordinate Bench of this Court dated 17.06.2020 in CRM-M-12051-2020 titled “Mewa Singh Vs. State of Punjab”, and an order of another Coordinate Bench dated 16.07.2021 passed in CRM-M-12997-2020 titled as “Daljit Singh Vs. State of Haryana” to contend that in such like cases if a person has only been proceeded against on the basis of disclosure statement of co-accused and no recovery has been effected from the petitioner, then he should be granted the benefit of anticipatory bail and statement made by co-accused before the police is inadmissible in evidence.

Notice of motion for 29.08.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2)

Learned State Counsel is also directed to verify as to whether there are phone call details between the petitioner and the person from whom the alleged recovery has been effected and as to whether there is any other material or incriminating evidence against the petitioner other than the said disclosure statement.”

Pursuant to the aforesaid order, though petitioner has joined the investigation, but in the reply filed by way of affidavit of Shri Sukhamrit Singh Randhawa, Deputy Superintendent of Police (Detective) Patiala, it is disclosed that call details of the Mobile No.98550-07462 of petitioner – Bikram Singh and that of Mobile No.98147-73093 of accused – Gurtaj Singh @ Taj and also that of Mobile No.97815-38528 of Bikkar Singh were obtained from where it was revealed that petitioner and Gurtaj Singh were in regular contact with each other. Copy of the said call details is annexed as Annexure R.1 revealing that petitioner had conversation with Gurtaj Singh @ Taj on 24.04.2022, and they had called more than 20 times.

As per affidavit of petitioner, he had never contacted co-accused Gurtaj Singh and that his name has been implicated due to previous grudge between him and Gurtaj. It is also submitted in the affidavit of the petitioner that Investigating Agency has not produced any record relating to the conversation between him and co-accused and that mere talks with co-accused cannot be treated to be corroborative material.

Having considered submissions of both the sides, I do not find merit in this petition.

6,000 intoxicant tablets of Tramadol have been allegedly sold to the petitioner by co-accused Gurtaj Singh which are to be recovered. Previous grudge between petitioner and co-accused is stated

to be on account of matrimonial discord of the relatives. In the affidavit filed by the respondents, petitioner and co-accused remained in constant touch on 24.04.2022. As per the affidavit, petitioner did not deny that mobile number as mentioned in the reply of the respondent did not belong to him. In the circumstances, recovery of the contraband, i.e. 6,000 intoxicant tablets may not be possible without custodial interrogation of the petitioner.

Having regard to the above-said facts and circumstances and the nature of allegations against the petitioner, I am of the view that he does not deserve to be extended the benefit of anticipatory bail.

Dismissed.

January 30, 2023

renu

**(DEEPAK GUPTA)
JUDGE**

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