

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102

CRM-M-31587-2023 (O&M)
Date of decision: 05.07.2023

VIJAY MASIH @ VIJAY KUMAR
Versus

....Petitioner

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present : Mr. Zorawar Singh Chauhan, Advocate
for the petitioner

MANOJ BAJAJ. J.(ORAL)

The petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.0022 dated 27.01.2023 registered under Section 21(B) of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added later on) at Police Station Phillaur, District Jalandhar Rural, who apprehends his arrest at the hands of Police.

Learned counsel for the petitioner has submitted that the FIR was registered against the co-accused namely Sandeep @ Kalu, who was arrested for keeping in possession 35 grams of heroin and subsequently he suffered a disclosure statement and implicated the petitioner on the ground that the said contraband was supplied by the petitioner. Learned counsel further submits that since the contraband has already been recovered from the co-accused, therefore, the custodial interrogation of the petitioner may not be necessary, who is willing to join the investigation. Further it is pointed out that the accused Sandeep @ Kalu and another co-accused namely Karan @ Kiran @ Tada from whom 20 grams of heroin was recovered have been released on regular bail. Learned counsel prays that the petitioner be granted the concession of anticipatory bail.

After hearing learned counsel and considering other circumstances, this Court does not find it to be a fit case of extending the concession of pre-arrest bail to the petitioner.

No doubt, the recovered contraband falls under the non-commercial

quantity, but during the course of hearing, it is not disputed by learned counsel that the petitioner was previously involved in approximately 15 cases of different nature and out of those, two cases bearing FIR No.274/2018 registered under Section 22 of NDPS Act at Police Station Phillaur and FIR No.147/2021 registered under Section 20-B of NDPS Act at Police Station Phillaur are pending against him. Apart from it, in another case FIR No.169/2009 registered under Section 22 of NDPS Act at Police Station Samrala, Ludhiana, he was acquitted. The petitioner is not the only accused who has been implicated on the basis of the disclosure statement of the accused as the other co-accused were also implicated in the same manner. The co-accused of the petitioner namely Karan @ Kiran @ Tada was also implicated on the disclosure statement of co-accused Sandeep @ Kalu and from the said co-accused another 20 grams of heroin along with 2 pistols and 4 live cartridges were recovered.

Thus, considering the nature and gravity of the offence, this Court does not find it to be a fit case for extending the extra ordinary concession of anticipatory bail.

Accordingly, the petition is dismissed.

(MANOJ BAJAJ)
JUDGE

July 05, 2023
Amandeep

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