

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

(Sr. No. 210)

CRM-M No. 37887 of 2022

Date of decision : 10.01.2023

Gurbir Singh @ Mahnu

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.81 dated 06.07.2022 registered under Section 21(a) of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) (Section 29 NDPS Act added later on) at Police Station Chohla Sahib, district Tarn Taran.

Briefly stated, the case of the prosecution is that co-accused Gurpreet Kaur was caught red handed while she was selling heroin. On being arrested, she disclosed that the recovered heroin had been supplied to her by the petitioner. On the basis of such statement the petitioner was also nominated as an accused.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; no drug or psychotropic substance has been recovered from the petitioner; the only evidence against the petitioner is a disclosure statement of a co-accused made in police custody which is

inadmissible in evidence and that the petitioner is also ready and willing to join and cooperate with the investigation.

Learned State counsel opposes the petitioner's prayer on the ground that he had supplied heroin to Gurpreet Kaur who was caught red-handed selling the afore referred drug and that the petitioner is a habitual offender as he has 05 other cases under the NDPS Act pending against him which are in addition to 02 other criminal cases under the Prisons Act, 1894.

Learned counsel for the parties have been heard and with their able assistance the records of the case have also been gone into.

Allegedly co-accused Gurpreet Kaur was caught by the police while she was selling heroin. According to her the heroin recovered from her was supplied by the petitioner.

In addition to the present case the petitioner is admittedly involved in 07 other criminal cases which include 05 cases under the NDPS Act.

In the light of the above and because it cannot be ruled out that while on bail he will not indulge in offences under the NDPS Act, the petitioner does not deserve to be granted the concession of anticipatory bail.

Dismissed.

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.

10.01.2023

Jyoti/sunil yadav

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

**(DEEPAK SIBAL)
JUDGE**