

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

**CRM-M-36738-2023 (O&M)**  
**Date of Decision: 04.09.2023**

**Jatinder Singh @ Rohit**

.....Petitioner

Versus

**State of Punjab**

.....Respondent.

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:-** Mr. Ajay Pal Singh Rehan, Advocate  
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

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**ARUN MONGA, J. (ORAL)**

Present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in case FIR No.131, dated 11.11.2022, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Chabbewal, District Hoshiarpur.

2. On the last date of hearing i.e. 31.07.2023 following order has been passed:-

*“Contends that neither petitioner was apprehended on the spot nor even otherwise was any recovery made either from his residence or his conscious possession. Petitioner has been implicated in this case, on the basis of custodial statement of prime accused, namely Manjit Kumar alias Jiti from whom 33 grams of non-commercial psychotropic substance alleged to be Tramadol Hydrochloride sale was recovered. He further submits that FSL report is also awaited qua the same and at this stage, merely on the basis of custodial statement which has no legal sanctity, petitioner is sought to be arrested.*

*Notice of motion.*

*Learned State counsel, on advance service of petition, accepts notice on behalf of respondent-Punjab and seeks time to file status report, including his antecedents.  
Post it on 21.08.2023.”*

3. In compliance of order dated 31.07.2023, status report by way of affidavit of Ravinder Singh PPS Deputy Superintendent of Police, Head Quarter, District Hoshiarpur, on behalf of respondent-State of Punjab alongwith Annexure R-1, has been tendered in course of hearing, which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

4. Perusal of the reply would reveal that petitioner is habitual offender and history sheet. Relevant extract of the reply is as below:-

*“That it is submitted that the petitioner is selling intoxicants and he is spoiling the life of the youth of the area and he is habitual offender. He has been convicted in three other cases of Narcotic Drugs and Psychotropic Substances Act, 1985.”*

5. The antecedents of the petitioner indicate his propensity towards committing crime under NDPS Act. No grounds are made out to interfere.

5. Dismissed.

6. Pending application(s), if any, shall also stand disposed of.

04.09.2023  
Jyoti Thakur

(ARUN MONGA)  
JUDGE

*Whether speaking/reasoned:  
Whether reportable:*

*Yes/No  
Yes/No*