

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

277

CRM-M-39337-2022 (O&M)

Date of decision: 15.03.2023

GAGANJIT SINGH @ GAGANDEEP SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Manjot Kaur, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.106 dated 26.07.2022, under Section 15 of NDPS Act, 1985 registered at Police Station City-I, Sangrur, District Sangrur.

Briefly put, the facts of the case are that on 26.07.2022 ASI Kulwinder Singh along with other police officials were present at Ram Basti Sangrur in connection with nakabandi and checking of suspicious persons. At about 11:00 a.m., one swift car bearing no.DL-9CAG-7271 came from the side of Ubhawal, in which two persons were travelling. On giving signal to stop that car, the driver of the car after applying breaks, tried to turn his car towards back side but during that process his car was stopped. The driver and the other person tried to flee towards the fields. However, the person sitting on the seat, parallel to the seat of driver, was apprehended, whereas the driver, who was identified by HC Gurlal Singh as Gaganjit Singh @ Gagandeep Singh, fled away from the spot. The

person apprehended by the police disclosed his name as Lakhwinder Singh @ Lakha son of Mela Singh. ASI Kulwinder Singh got registered case against the above said persons by sending ruqa. The 7 bags lying in the car were found to be containing 70 kgs of poppy husk, each plastic bag was containing 10 Kgs. The said bags were converted into parcels and were taken into police possession.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the present case. The petitioner was not present at the spot at the time of alleged recovery. Nothing is to be recovered from him. He is ready and willing to join the investigation and cooperate with the investigating agency. Thus, learned counsel prays for grant of anticipatory bail to the petitioner.

Learned State counsel opposes the prayer of the petitioner on the ground that the petitioner was driving the car in question from which the recovery was affected but he managed to flee. The recovery in the present case falls under the category of commercial quantity. The investigation in the case is still going on. Besides the present FIR against the petitioner, he is also involved in two more cases under NDPS Act i.e., FIR No.130 dated 05.08.2021, under Section 21 NDPS Act, Police Station City-I, Sangrur, District Sangrur and FIR No.190 dated 27.11.2021, under Sections 21/29 NDPS Act, Police Station Amargarh, District Sangrur. Custodial interrogation of the petitioner is required in the instant case to find the source of origin and the entire chain of supply of contraband.

Heard.

In the present case, commercial quantity of contraband has allegedly been recovered from the car, which the petitioner was stated to be driving but he managed to flee, while his co-accused was apprehended at the spot and petitioner was identified. He is involved in two more cases under the NDPS Act. It is apposite to refer to the order of Hon'ble The Supreme Court of India in the case of **State of Haryana Vs. Samarth Kumar**, 2022 LiveLaw (SC) 622, wherein it has been held that to grant anticipatory bail in cases of this nature under the NDPS Act

is not really warranted and as such, the order passed by the High Court was set aside. The allegations against the petitioner call for a deeper probe, to unearth the modus operandi, source of origin, chain of supply and find out the involvement of other persons therein, for which the custodial interrogation of the petitioner is required in the case wherein investigation is going on. Thus, the grant of pre-arrest bail in the present case shall be detrimental to the investigation.

The stringent provisions as contained in the statute, are to deal with the drug menace, plaguing the society, as the youth are being led on a path having deleterious effects, thereby destroying the very social fabric.

Keeping in view the aforesaid, this Court is not inclined to grant the concession of anticipatory bail to the petitioners. As a sequel thereto, the present petitions being bereft of merit, are hereby dismissed.

(AMAN CHAUDHARY)
JUDGE

March 15, 2023

M.Kamra

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