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101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40373-2023
Date of Decision: 25.08.2023

Jagwinder Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present first petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.90 dated 11.07.2023, registered under Sections 15(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Khuian Sarver, District Fazilka.

2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the crime as alleged against him. Even as per story of the prosecution, the name of the petitioner has surfaced only in the disclosure statement of the co-accused, who is alleged to have disclosed to the police that the recovered material was to be handed over to the petitioner. However, unless the material has actually been delivered to the petitioner, the petitioner cannot be deemed to have been involved in the crime. The petitioner undertakes to join the investigation as and when so required by the police. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.

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4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State.

5. Learned counsel for the State, on instructions from ASI Manjit Singh, has submitted that the petitioner is, rather, the main accused in the case. As per the disclosure statement of the co-accused, the consignment, which is 200 Kgs. of poppy husk was brought by his co-accused for being handed over to the petitioner. The police have even obtained the call details from the arrested co-accused, which shows that the petitioner had been in continuous contact with the arrested co-accused. Not only that, there have been as many as four more cases against the petitioner, out of which, three have been under the NDPS Act only. Therefore, the petitioner is deeply involved in the drug paddling and the police need the custodial interrogation of the present petitioner so as to unearth the true dimensions of the involvement of the petitioner in the crime. Hence, the petitioner does not deserve to be protected against his arrest.

6. Keeping in view the facts and circumstances available on the file, as well as, the submissions made by learned counsel for the State, this Court does not find it appropriate to grant concession of anticipatory bail to the petitioner.

7. Dismissed.

(RAJBIR SEHRAWAT)
JUDGE

25.08.2023

adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No