

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-45105-2023

Date of decision: 09.10.2023

Gursewak Singh @ Gori

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. B.B.S. Randhawa, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.98 dated 29.07.2023 under Sections 21, 29, 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

2. Status report by way of affidavit of Rajesh Kakkar, PPS, Deputy Superintendent of Police, Sub Division, Sri Hargobindpur, Police District Batala, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned State counsel while drawing the attention of this Court to the above said status report, has submitted that prior to the registration of the FIR in question, the petitioner was involved in another FIR which was registered against him under Sections 21 and 29

of the NDPS Act. It has been submitted that the petitioner is a habitual offender and is a supplier of the contraband which has been recovered from co-accused. A prayer has been made for dismissal of the instant petition as custodial interrogation of the petitioner would be required.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. It is a matter of record that prior to the registration of the FIR in question, the petitioner was involved in another case under the NDPS Act wherein also the recovery effected was of heroin and furthermore, as per instructions received by the learned State counsel, the petitioner was nominated therein also, as an accused on the basis of a disclosure statement of the co-accused. Prima facie, the petitioner appears to be active in the sale of drugs being a supplier of the same. In the circumstances, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner and concurs with the prayer made by learned State counsel that his custodial interrogation is required.

6. Dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.10.2023

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(MANJARI NEHRU KAUL)
JUDGE

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