

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

**CRM M-51800-2023 (O&M)
Date of Decision: 31.10.2023**

Hawaladar Rattan SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.S. Brar, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail in FIR No. 186 dated 22.09.2023 registered under Sections 21, 22 & 29 of NDPS Act, 1985 at Police Station Guruharsahai, District Ferozepur.

2. Learned counsel for petitioner contends that petitioner has been falsely implicated in the present case at the instance of ASI Gurmej Singh and he has nothing to do with the alleged recovery which is against the main accused Rani wife of Ashwani Kumar.

3. Per contra, learned State counsel while opposing the bail application submits that petitioner was in constant touch with the main accused as well as her son, namely, Sagar. Even the call details have been retrieved by the Police: thus, his role is to be investigated by the Police and his custodial interrogation would be very much necessary.

4. Heard learned counsel for the parties and perused the paper book.

5. It transpires that contraband i.e. 270 gram Heroin was recovered from accused Rani wife of Ashwani Kumar and during investigation, she made disclosure that petitioner abetted the commission of offence as the contraband was purchased from him.

6. Petitioner is working as Head Constable in the Punjab Police and despite that he was in constant touch with the aforesaid Rani as well as her son at the time of alleged recovery. Therefore, *prima-facie*, it appears that petitioner has participated in the commission of crime and his custodial interrogation would be very much necessary to find the truth.

7. In view of the above, there is no option except to dismiss the present petition.

8. Ordered accordingly.

9. It is made clear that nothing expressed here-in-above shall be construed as an expression of opinion on the merit of the case.

31.10.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No