

103 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-52880-2023  
Decided on : 18.10.2023

Pawan Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Amit Gupta, Advocate  
for the petitioner.

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**Manjari Nehru Kaul, J.(Oral)**

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.188 dated 17.09.2023 under Section 52-A of Prison Act and Section 22 and 29 of NDPS Act registered at Police Station City Gurdaspur District Gurdaspur.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand without there being any cogent material to connect him with the recovery of intoxicant tablets, which were allegedly recovered from jail inmates/under trials. It has been submitted that the petitioner, who is a lab technician in the Central Jail, Gurdaspur, has clean antecedents, which further falsifies the case of the prosecution that he had been facilitating the smuggling of intoxicant tablets into the jail, which in turn was being provided to the jail inmates. Learned counsel has further submitted that the petitioner is ready to join the

investigation and will cooperate with the investigating agency and still further, his custodial interrogation would not be required as no recovery is required to be effected from him.

3. Heard learned counsel and perused the relevant material on record.

4. As per the case of the prosecution, a secret information was received by the Superintendent, Central Jail, Gurdaspur that some jail inmates had been consuming narcotic pills/tablets. When a search was carried out by the jail officials, one of the prisoners was found in possession of intoxicants. On further inquiry and search, it came to the fore that the jail inmates/prisoners were being supplied drugs by none other than the petitioner, who was working as Lab Technician inside the jail.

5. *Prima facie*, there are serious allegations against the petitioner of having misused his posting as Lab Technician of Gurdaspur Jail by smuggling narcotics into the jail. Needless to add, the custodial interrogation of the petitioner would definitely be necessitated in the wake of serious allegations levelled against him in the FIR in question, so as to unearth the *modus operandi* adopted by him as well as the source from where he had been procuring the intoxicants, which were being distributed/supplied to the prisoners inside the jail.

6. In the facts and circumstances of the case, the petitioner does not deserve the concession of anticipatory bail. Accordingly, the present petition stands dismissed. 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.

18.10.2023  
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(MANJARI NEHRU KAUL)  
JUDGE

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