

**106 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-53012-2023 (O&M)
Date of Decision: 23.11.2023**

Vishal Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. Nitesh Singla, 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. 71 dated 04.09.2023 under Sections 21(b) and 29 of NDPS Act, registered at Police Station Sadar Budhlada, District Mansa.

2. Fresh status report dated 23.11.2023 by way of affidavit of Sh. Pushpinder Singh, PPS Deputy Superintendent of Police, (Detective), Mansa, District Mansa filed on behalf of respondent No.1-State is taken on record.

3. Registry to tag the same at appropriate place.

4. Learned counsel for petitioner contends that petitioner has been nominated on the basis of disclosure made by co-accused Birbal Singh @ Kala from whom 20 gm of Heroin was allegedly recovered.

5. *Per contra*, learned State counsel while opposing the prayer submits that petitioner is involved in three more cases under the NDPS Act. Further submitted that during investigation, above Birbal Singh @ Kala disclosed the name of petitioner to the effect that alleged contraband was

purchased by him from the present petitioner; thus, in order to know the *modus operandi*, his custodial interrogation is required.

6. Heard learned counsel for the parties and perused the paper-book.
7. Above FIR was registered against the aforesaid Birbal Singh @ Kala son of Joga Singh resident of village Hodla-Kalan, District Mansa from whom 20 gm Heroin is alleged to have been recovered. During investigation, said Birbal Singh @ Kala disclosed that contraband was purchased by him from the present petitioner. As a result thereof, DDR No. 52 dated 04.09.2023 was registered nominating the petitioner as an accused under Section 29 of the NDPS Act.
8. It is not in dispute that petitioner is facing three other cases under NDPS Act and one FIR has been registered under the Excise Act, 1914. For reference, details of which are as under:-

Sr. No.	FIR No.	Date	Under Section	Police Station
1.	175	22/10/2022	21 of NDPS Act	City Budhlada
2.	12	25/01/2020	61 of Excise Act	City Budhlada
3.	137	31/10/2022	21(b) of NDPS Act	Jaiton
4.	103	17/03/2023	21(b) of NDPS Act	Bhikhi

Since petitioner is having chequered criminal history being involved in four other cases; therefore, his custodial interrogation is very much necessary to go to the root of alleged recovery.

9. Consequently, this Court is not inclined to accept the prayer of petitioner for grant of pre-arrest bail.
10. In view of above, there is no option except to dismiss the petition.
11. Ordered accordingly.

12. It is made clear that observations made above be not construed as an expression of opinion on the merit of case in any manner.
13. Pending application(s), if any, shall also stand disposed off.

23.11.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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