

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-57656-2023
Date of Decision : November 16, 2023

KULWINDER SINGH @ BINDI -Petitioner

V/S

STATE OF PUNJAB -Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail in FIR No.280 dated 21.09.2023, under Sections 15B, 25, 29, 61, 85 of the N.D.P.S. Act, 1985, registered at P.S. Sadar Mansa, District Mansa.
2. The learned counsel for the petitioner submits that the petitioner has no concern whatsoever with the alleged recovery of 10 kgs of poppy husk, which indeed has been effected from co-accused Jagtar Singh @ Deepi and Ranjit Singh. Moreover, the alleged recovery of poppy husk does not fall in the category of “non-commercial quantity”. The name of the petitioner surfaced for the first time ever only in the disclosure statement(s), as suffered by the co-accused, during the course of investigation, whereupon, he has been arrayed as an accused in the instant FIR. He contests the evidentiary vigor of the said disclosure statement(s), on the ground, that the same was suffered by the co-accused while being in police custody.

3. The record reveals that the petitioner has been nominated as an accused under Section 29 of the N.D.P.S. Act on the basis of DDR No.46 dated 21.09.2023. It further erupts from the record that the petitioner is involved in eight other cases, whose details are extracted hereinafter:-

(i) FIR No.285 dated 06.12.2020 under Section 61 of Punjab Excise Act, Police Station City-1, Mansa.

(ii) FIR No.85 dated 13.12.2015, under Section 15 of the NDPS Act, Police Station City-1 Mansa.

(iii) FIR No.183 dated 29.10.2023 under Section 15 of the NDPS Act, Police Station City-1, Mansa.

(iv) FIR No.41 dated 09.03.2020 under Section 15, 25 of the NDPS Act, Police Station City-1, Mansa.

(v) FIR No.484 dated 08.12.2020 under Section 15, 25 of the NDPS Act, Police Station Sadar Mansa.

(vi) FIR No.276 dated 24.09.2021 under Section 15 of the NDPS Act, Police Station Sadar Mansa.

(vii) FIR No.186 dated 25.11.2022 under Section 15B of the NDPS Act, Police Station City-1, Mansa.

(viii) FIR No.11 dated 12.02.2023 under Section 15B of the NDPS Act, Police Station, Jhunir.

4. Though the alleged recovery of poppy husk, as effected from the co-accused, undisputedly falls in the category of “non-commercial quantity”. However, the record makes it apparent that the petitioner, while being earlier granted the concession of bail in other matters, misused the

concession so granted and started indulging again in the trade of narcotics. Therefore, the hereinabove extracted antecedents of the petitioner explicate that the petitioner is a habitual offender, who indulges in trade of narcotics time and again.

5. Consequently, this Court does not deem it a fit case to grant the extraordinary relief of anticipatory bail to the petitioner. Therefore, the asked for relief of anticipatory bail is declined to the petitioner and the petition is accordingly dismissed.

6. However, anything observed hereinabove shall neither be construed to have any bearing on the outcome of the trial, nor the trial Court concerned shall be influenced by any of the observations recorded herein.

November 16, 2023
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(KULDEEP TIWARI)
JUDGE

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