

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

105

CRM-M-23-2024

Date of Decision : July 10, 2024

SOHAN LAL ALIAS MACHHAR

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 07.02.2024, a Co-ordinate Bench of this Court passed the following order, thus granting interim anticipatory bail to the petitioner:-

“The present petition is for grant of anticipatory bail to the petitioner in FIR No.415 dated 26.11.2023 under Section 21(b) of NDPS Act, 1985 (Section 29 of NDPS Act, 1985 added later on) at Police Station City Faridkot, District Faridkot (Annexure P-1).

Learned counsel for the petitioner has submitted that the petitioner was nominated in the disclosure statement of the main accused-Ravi Kumar. However, qua the call details of Ravi Kumar, it does not point out any conversation between them.

On instructions from SI Sukhwinder Singh, learned State counsel has submitted that in fact, the present petitioner was the one who was managing the finances for the said offence of one-Jagga Singh and the custodial interrogation of the present petitioner is much required to complete the investigation.

However, considering the fact that there is no prima facie cogent evidence at this stage with the authorities qua the petitioner, the petitioner is directed to join investigation on

14.02.2024, before the Investigating Officer and cooperate with the Investigating Agency, even thereafter and the petitioner is also directed to hand over all his telephones, digital gazettes and all of the bank accounts and details of his credit cards etc. In case, it is reported that he has not cooperated in the investigation to unearth the entire scam, the present order shall not be made absolute.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 18.03.2024.

In case, it is found that the petitioner has manipulated or tried to delete any data from his mobile, the same itself be a ground for dismissal of this petition.”

2. Perusal of the hereinabove extracted order reflects that interim anticipatory bail was granted to the petitioner with directions that he would cooperate with the investigating agency and would hand over all his telephones, digital gadgets and details of all his bank accounts, credit cards etc. It was also clarified that, in case, the petitioner failed to comply with these directions, the interim order would not be made absolute.

3. Although the petitioner has joined the investigation, however, he has manipulated and tried to delete all data from his mobile.

4. The supplementary report dated 09.07.2024, as filed on affidavit of Shamsher Singh, PPS, Deputy Superintendent of Police, Sub Division Faridkot, carries the disclosures about the incriminatory evidence, other than the disclosure statement of co-accused, which connects him with the alleged crime. The relevant paragraphs of the

supplementary report are reproduced hereunder:-

“3. That the dated 05-03-2024 mobile phone of petitioner along with sim cards inserted therein were forwarded to Digital Forensic Lab, Bathinda for testing. The report has been received dated 05-06-2024 vide no. 0028/DFL/2024 and data has been transferred to a 128 GB Pen Drive. The report has not detected any data was deleted from the phone.

4. That in order to establish the links of present petitioner with prime accused Ravi Kumar, there is number of monetary transactions with him as mentioned below:

Sr. No.	Date	Amount in Rs.	Mode
1.	31.5.2023	50/-	UPI
2.	12.9.2023	500/-	UPI
3.	26.9.2023	21000/-	UPI
4.	30.9.2023	475/-	UPI
5.	30.9.2023	19000/-	UPI
6.	30.9.2023	900/-	UPI
7.	03.10.2023	20/-	UPI
8.	07.10.2023	2000/-	UPI
9.	10.10.2023	3000/-	UPI
10.	13.10.2023	150/-	UPI
11.	15.10.2023	8000/-	UPI
12.	18.10.2023	100+2000/-	UPI
13.	09.11.2023	1000/-	UPI
14.	15.11.2023	500/-	UPI

4. That in order to investigate the case in a thorough manner, the mobile phone of Ravi Kumar was examined by I.O. Its whatsapp section of his mobile phone reveals that accused Ravi Kumar had frequent Whattsapp call with present petitioner on his mobile number 72106-00038 but the present petitioner did not provide this sim card to I.O. Copies of screenshots of mobile calls of accused Ravi Kumar with present petitioner are annexed herewith as Annexure: R-1.”

5. The learned State counsel, on instructions imparted to him by A.S.I. Sukhwinder Singh, also informs this Court that there are two bank accounts belonging to the petitioner, wherefrom, transactions of Rs.8,36,726/- and Rs.6,60,236/- respectively have been made. He submits that since the petitioner is a labourer, therefore, occurrence of such huge transactions from his bank accounts also strengthens the allegations against him.

6. Although the petitioner has, under the garb of interim anticipatory bail from this Court, already succeeded in deleting data from his mobile, which could have established his link with the alleged crime, however, the mobile data of co-accused, from whom the contraband was recovered, reflects that the petitioner was constantly in touch with him.

7. Moreover, the petitioner is stated to be involved in one more case of N.D.P.S., wherein, he is on bail. However, the petitioner has, upon his earning the relief of bail in the said case, instead of mending his ways, again indulged in trade of narcotics, by violating the conditions of bail granted to him.

8. This Court is aware that recovery in the present case is 200 grams of heroin, which falls within “non commercial quantity”, however, considering the hereinabove extracted criminal antecedents of the petitioner, besides taking into consideration the fact that he has, under the garb of interim anticipatory bail granted by this Court, tried to scuttle the investigation of the present case, this Court refrains from granting the asked for relief.

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

10. 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.

July 10, 2024
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(KULDEEP TIWARI)
JUDGE

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