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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1697-2024
Date of decision: 12.01.2024

Ranjodh Singh @ Jodha ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. V.K. Sandhir, Advocate for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.237 dated 20.11.2023 registered under Sections 21-C/29/61/85 of NDPS Act read with Section 411/473 of IPC, Police Station Ranjit Avenue, Amritsar.
2. The allegations in nutshell are that on 20.11.2023, police party headed by SI Paramjit Singh sighted two persons were coming on a motor cycle from the side of A Block of Ranjit Avenue and they were followed by one another person who was riding a separate motor cycle. They were signaled to stop. The motor cycle on which two persons were riding, slipped, when the person driving the same tried to turn it away. In the meantime, the said two motor cyclist had thrown two plastic bags on the ground and both of them were apprehended by the police official. The said motor cycle was driven by Kalu Singh while the pillion rider disclosed his named as Major Singh. On checking of the aforesaid plastic bags, 400

grams of heroin was recovered. In the meantime, the motor cyclist who was following the aforesaid motor cycle driven by Kalu Singh, managed to escape from the spot. On inquiry aforesaid Major Singh disclosed that Motor Cyclist who escaped from spot is his cousin Ranjodh Singh @ Jodha (Petitioner herein), who used to procure heroin from across the border through drones.

3. The counsel for the petitioner submits that petitioner has been falsely implicated in the present case and has nothing to do with the alleged recovery of 400 grams of heroin from Kalu Singh and Major Singh. The counsel for the petitioner further submits that the alleged disclosure statement made by co-accused Major Singh against the present petitioner is inadmissible in evidence as per the law laid down by Hon'ble Supreme Court in *Tofan Singh Vs. State of Tamil Nadu (2021) 4 SCC 1*. It is further submitted by the counsel for the petitioner that the petitioner is having no criminal history and is ready to join the investigation with the police.

4. The present petition is resisted by the State counsel who contends that in the present case commercial quantity of heroin was recovered from co-accused Kalu Singh and Major Singh and at the time of said recovery, the petitioner succeeded in escaping from the spot. It is further contended that during investigation co-accused Major Singh disclosed about the involvement of the petitioner in the aforesaid drug trafficking and the said co-accused further made disclosure that the petitioner used to procure heroin from across the border with the help of drone. The State counsel has further contended that the petitioner is required by the police for proper investigation of this case.

5. Admittedly, the petitioner was not named in the FIR which was registered against Major Singh, Kalu Singh and one Karan and police recovered commercial quantity of contraband i.e. 400 grams of heroin from aforesaid Major Singh and Kalu Singh on 20.11.2023. The name of the present petitioner surfaced on the basis of disclosure statement made by co-accused Major Singh. In the light of the law laid down by Hon'ble Supreme Court in State of *Haryana Vs. Samarth Kumar 2022 (3) RCR (Cri) 991*, the petitioner cannot take advantage of decision in Tofan Singh's case (supra) at this stage when he is seeking grant of anticipatory bail.

6. The present case is relating to recovery of commercial quantity of contraband and rigors of Section 37 of NDPS Act are applicable to the case of the petitioner. This Court is of the view the custodial interrogation of the petitioner is necessary for proper and effective investigation of the case.

7. In light of the facts and circumstances discussed above, the present petition deserves to be dismissed. Accordingly, the same is hereby dismissed. However, observations made herein above are not to be construed as opinion on the merits of the case.

12.01.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**