

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-7527 of 2024
Date of Decision: February 13, 2024

Sukhchain Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present : Ms. Manpreet Kaur, Advocate and
Mr. Amardeep Singh, Advocate
for the petitioner

Mr. H.S. Deol, Sr. DAG Punjab

Harpreet Singh Brar, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 20 dated 12.01.2024 registered under Sections 21(C), 29 of NDPS Act, 1985 at Police Station Goindwal Sahib, District Tarn Taran.
2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR and nothing incriminating has been recovered from his possession. The petitioner has been nominated as accused in the present only on the basis of disclosure statement suffered by co-accused Sukhwinder Singh from whose possession 270 grams of Heroin was got recovered. Learned counsel for the petitioner relies upon judgments passed by this Court vide order dated 11.12.2023 in CRM-M-46652-2023 titled as ***Virender Singh vs. State of Haryana*** and order dated 21.12.2023 passed in CRM-M-59564-2023 titled as ***Harpal Singh vs. State of Haryana***.

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3. Learned State counsel, on instructions from ASI Jaspal Singh opposes the prayer made by the petitioner on the ground that he is habitual offender and is involved in one more case under the NDPS Act, 1985. The recovery made in the present case falls within the ambit of commercial quantity and the investigation is still pending.

4. Having heard learned counsel for the parties and after perusing the record, it transpires that the FIR (supra) was registered on account of recovery of contraband which falls within the ambit of commercial quantity. The reliance made on *Virender Singh(supra)* and *Harpal Singh(supra)* would not support the case of the petitioner as recovery in those cases were non-commercial in nature. The custodial interrogation of the petitioner is required as he is alleged to have supplied the contraband to co-accused Sukhwinder Singh as well as in order to ascertain the source of the contraband and the *modus operandi* adopted by the petitioner for selling the same.

5. In view of the above, the petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

February 13, 2024

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No