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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8273-2024
DECIDED ON: 16.02.2024

YOGRAJ SINGH

.....PETITIONER(S)

VERSUS

STATE OF PUNJAB

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr. Satnam Singh Gill , Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S. SHEKHAWAT, J (ORAL)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant of anticipatory bail to him in case FIR No.11 dated 17.01.2024 under Sections 21, 22 and 29 NDPS Act, 1985 registered at Police Station City Sunam, District Sangrur.
2. As per the case of the prosecution, a secret information was received that Yograj Singh @ Yoga was habitual of bringing heroin/chitta and intoxicant tablets at lower rate from outside and after that, he and his wife Pardeep Kaur used to sell intoxicant material in the area of Sunam. On getting the information, a raid was conducted and Pardeep Kaur, wife of the petitioner, was apprehended, while she was carrying 80 strips of intoxicant tablets labelled as Tramwell, each strip containing 10 tablets i.e. total 800 tablets and 3 grams of heroin/chitta, without any permit or licence.

3. Learned counsel for the petitioner contends that the petitioner has been wrongly named in the FIR and no recovery was effected from Pardeep Kaur i.e. wife of the present petitioner. He further contends that the mandatory provisions of the NDPS Act, relating to search and seizure were not followed by the police and the petitioner is entitled to grant the concession of anticipatory bail. Apart from that, the petitioner was not even present at the place of recovery and has been involved as his wife was apprehended by the police.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is involved in following 06 criminal cases, which include 05 cases under NDPS Act:-

- i. FIR No.261/2023 under Sections 21, 29/61/85 NDPS Act, PS City Sunam.*
- ii. FIR No.205/2019 under Section 22/61/85 NDPS Act, PS City Sunam.*
- iii. FIR No.250/2022 under Sections 21, 29/61/85 NDPS Act, PS City Sunam.*
- iv. FIR No.204/2020 under Section 52A Prison Act, PS Kotwali Nabha, District Patiala.*
- v. FIR No.109/2022 under Section 21/61/85 NDPS Act, PS STF Phase 4, SAS Nagar, Mohali.*
- vi. FIR No.266/2021 under Sections 21, 29/61/85 NDPS Act, PS City Sunam.*

5. I have heard learned counsel for the parties and perused the record.

6. It is apparent from the record that the present petitioner is facing prosecution in 06 other cases, which include 05 cases under the provisions of NDPS Act. Even, in the present case, wife of the present petitioner was apprehended at the spot, while she was carrying the intoxicatant tablets and the heroin. There are serious allegations against the petitioner and thus, his custodial interrogation will be required in the present case.

7. In view of the above, the present petition is hereby dismissed, being devoid of any merits.

16.02.2024
Aman Dua

(N. S. SHEKHAWAT)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>