

CRM-M-16013-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(106)

CRM-M-16013-2024
Date of Decision:-08.04.2024

Laddi Singh@Laddi
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Bijeshwar Singh Bhalla, Advocate for the petitioner.
Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.91 dated 16.04.2023, under Sections 21-C and 27-A(later on added Section 29) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Maqboolpura, District Police Commissionerate, Amritsar.
2. Learned counsel for the petitioner submits that the petitioner has been entangled in the present FIR on the basis of disclosure statement made by one Nirvail Singh from whom recovery of 260 grams heroine, drug money of Rs.5 lacs and gold armaments were effected and it was stated in his disclosure statement that he used to purchase the contraband from the present petition Laddi Singh@Laddi and from one Ravinder Singh.

Learned counsel for the petitioner further submits that apart

from the said disclosure statement there is no other evidence available on record to connect the petitioner with the said incident and he does not even know Nirvail Singh. He further relies upon the judgment passed by Hon'ble Supreme Court of India in ***Tofan Singh Vs. State of Tamil Nadu***', 2021(4) SCC11 to seek the concession of anticipatory bail. It is also submitted by leaned counsel for the petitioner that the Hon'ble Supreme Court of India in the case of ***Sharik Khan Vs. Narcotics Control Bureau*** has reiterated in its order dated 06.03.2024 directing the authorities/officers that they should comply and abide by the judgment of ***Tofan Singh's case(supra)*** and hence, only on the strength of the disclosure statement the petitioner cannot be entangled in the present case and the authorities are required to have some cogent proof apart from the disclosure statement also.

3. *Per contra*, learned State counsel has vehemently opposed the grant of any concession to the petitioner and has relied upon the order passed by the Hon'ble Supreme Court of India in cases ***State by the Inspector of Police Vs. B. Ramu***, (arising out of SLP(Crl.)No(s).8137 of 2022) and ***Parwinder Singh @ Parminder Kumar @Vicky Vs. State of Punjab*** (arising out of SLP(Crl.)No.12601 of 2023), wherein the Hon'ble Supreme Court of India has held that in a case of involving recovery of commercial quantity of narcotic drugs or psychotropic substances, the Courts would have to mandatorily record their satisfaction in terms of the riders contained in Section 37 of the NDPS Act.

4. At this stage, counsel for the petitioner has reiterated that in both the judgments of ***B.Ramu (Supra)*** and ***Parwinder Singh (Supra)***, the

petitioner therein were held in conscious possession of the contraband and were not entangled on the basis of disclosure statements and reiterates his stand that the judgment of *Tofan Singh (Supra)* will come to his rescue.

5. At this stage, learned State counsel submits that since commercial quantity is involved, therefore, *State of Haryana Versus Samarth Kumar 2022 (3) RCR (Criminal) 991*, passed by Hon'ble Supreme Court of India will come into play and the petitioner cannot be granted the concession of anticipatory bail.

6. I have heard learned counsel for the parties at length. Although, the challan against other main accused Nirvail Singh has already been presented, however, considering the fact that the allegations against the petitioner is that he is the supplier of the contraband to the main accused and coupled with the fact that the petitioner has two more cases against him, one of them being under NDPS Act only. I do not find it to be a case to grant the extraordinary concession of anticipatory bail to the petitioner.

7. Accordingly, the present petition is dismissed.

(ALOK JAIN)
JUDGE

April 08, 2024

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