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

**CRM-M No. 17799 of 2024 (O&M)
Date of Decision: 01.05.2024**

Shera Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.K. Singla, Advocate and
Ms. Ritika, Advocate
for the petitioner.

Mr. Rahul Jindal, Assistant Advocate General, Punjab
for the respondent.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 438 Cr.P.C., prays for grant of pre-arrest bail in case FIR No. 18, dated 15.03.2024, under Sections 15 & 29 of NDPS Act, 1985, registered at Police Station Ghagga, District Patiala, wherein he has been implicated on the statement of co-accused-Rubal, who stated that he was going to supply the alleged / recovered contraband of 150 kgs. of poppy husk to the petitioner.

[2] Learned counsel for petitioner submits that the present is a case of false implication as the offence was never completed against the petitioner, he being never alleged to be a supplier. He further submits that the only allegation levelled against the petitioner is that he was to be supplied the recovered contraband which is highly improbable. He even

relies upon a decision dated 02.04.2024 rendered by the Hon'ble Supreme Court in ***Criminal Appeal No. 1849 of 2024***, arising out of SLP (Crl.) No. 15922 of 2023, titled "***Arvinder Singh Versus State of Punjab***", to contend that the petitioner is also entitled for grant of concession of anticipatory bail in the present circumstances, despite the petitioner being involved in one more case pending against him.

[3] On the other hand, learned State Counsel vehemently opposes the prayer of petitioner, while referring to his antecedents, who is stated to be involved in one more FIR No. 42, dated 21.05.2023 under Sections 15/61/85 of NDPS Act, registered at Police Station Ghagga, District Patiala. He also submits that the disclosure made by the co-accused-Rubel in the present case was corroborated from the frequency of call details between him and the petitioner as on the date of incident, which *prima facie* established the involvement of the petitioner in the case in hand.

[4] I have heard learned counsel for the parties and gone through the paper-book and do not find any substance in the submissions made on behalf of the petitioner.

[5] The petitioner has been implicated with the huge recovery of 150 kgs. of poppy husk involved in the present case, besides he is involved in one more case under NDPS Act in FIR No. 42 (supra). Moreover, the respondent-State of Punjab in its reply dated 25.04.2024 has clearly referred to the repeated calls between the petitioner and co-accused-Rubal. Relevant para-8 thereof is extracted hereunder:-

“ 8. That during the further investigation proceedings in present case/FIR No. 18 (supra), the Calls Detail Record of the petitioner Shera Singh @ Guddu and his co-accused Rubel has obtained. From the perusal of calls detail of mobile phone No. 70877-86623 of petitioner Shera Singh @ Guddu and mobile phone No. 90561-04554 of the co-accused Rubel, it has been found that for the period from 15.02.2024 to 110.032024, total 16 calls are found to be made between petitioner and his co-accused Rubel. In view of this, it is respectfully submitted that the petitioner is found to be involved in the commission of present offence.”

[6] In view of the facts and circumstances narrated hereinabove as well as gravity and seriousness of the offence and its impact on the society and also for ensuring the free and fair investigation, the petitioner does not deserve the concession of pre-arrest bail.

[7] Accordingly, finding no merit in the present petition, the same is hereby **dismissed**.

[8] Pending miscellaneous application(s), if any, shall also stand disposed off.

May 01, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No