



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

CRM-M-22237-2024

Date of Decision: 23.05.2024.

VIKAS

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.S.K.Tripathi, Advocate for
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, prayer is made for grant of anticipatory bail to the present petitioner, in case FIR No.25, dated 05.04.2024, registered under Section 20/29 of the Nacotic Drugs and Psychotropic Substances Act, 1985, at Police Station Dhakoli, District SAS Nagar, Mohali.

3. The gist of the allegations as culled out by the learned Judge, Special Court, SAS Nagar, while declining the relief of anticipatory bail, reads as under:-

“In brief the case of prosecution is that on 05.04.2024 a police party headed by SI Raj Kumar was present in the area of Dhakoli in connection with patrolling and checking of anti social element and when during patrolling, at 1:30 P.M, he alongwith police party reached near the hut lying on drain then on the right side of bridge leading to the huts, some persons found to be standing and after watching

carefully they saw that two persons after putting something in small pockets, were giving it to other persons and received money from them. Then on the asking of SI Raj Kumar, HC Vikram went towards them. On seeing the police, one person out of them asked to Chillu to run away as police has come. On this, one person started running after keeping the gunny bag on his shoulder HC Vikram tried to catch them then he pushed HC Vikram and ran away. Other person who accompanied Chillu also ran away from the spot after leaving motor cycle at the spot. The remaining persons who were standing there also ran away from the spot. On checking the gunny bag, 26 kg ganja was recovered.”

3. In asking for relief (*supra*), learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case.

4. He further submits that the petitioner has never been called with the name Chillu, and there is no evidence with the prosecution to connect the present petitioner with the alleged crime.

5. This Court vide order dated 06.05.2024, directed the State to file a reply to the instant petition, disclosing therein, the role of present petitioner, and incriminating evidence collected by the investigating agency, to connect the present petitioner with the alleged crime, as well as his antecedents.

6. In deference to the direction passed by this Court, a status report, dated 17.05.2024, by way of an affidavit of Harsimrat Singh, DSP, (Detective), SAS Nagar, has been filed by the State, wherein, it is disclosed that the petitioner is the main accused who was selling the *ganja*, and upon apprehension of being caught by the police he ran away leaving jute gunny bag at the spot.

7. The status report further reveals that the motorcycle which was found at the spot, was on investigation found to be sold on 07.03.2022, to one Rajeev son of Jaipal resident of H.No.31, Shakti Enclave, Dhakoli, Zirakpur. The photograph of the said Rajeev while delivering the aforementioned motorcycle, by the concerned agency and his Aadhar Card available with that agency, were also obtained during investigation by the investigating officer. Whereupon, Rajeev was nominated as a co-accused vide DDR No.16, dated 09.04.2024.

8. Thereafter, house of said Rajeev was raided, and he was arrested on dated 01.05.2024. During interrogation, he established that it was Vikas alias Chillu (present petitioner) who fled from the spot, while leaving a jute gunny bag containing 26 kg. of *ganja* and the motorcycle without a number plate.

9. During the investigation, it was also found that, aforesaid Rajeev and the present petitioner are native of the same village, and they were indulge in illegal trade of *ganja* as well as sale of illegal liquor in the area of Dhakoli, by bring the same from Chandigarh and other States.

10. In the status report, the petitioner is stated to be involved in one more criminal case under the provisions of Punjab Excise Act, 1914.

11. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

12. In view of the specific allegations in the FIR, and the material evidence collected during the investigation by the investigating agency against the petitioner that he was involved in selling/trading of 26 kgs of *ganja*, which falls within the ambit of commercial quantity, and he

is involved in one more criminal case, as per the status report (*supra*), this Court is not inclined to grant the extra-ordinary relief of pre-arrest bail to the present petitioner, as his custodial interrogation is required.

13. Consequently, the instant petition is **dismissed**.

May 23, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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