



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.23418 of 2024 (O&M)
Date of Decision: 10.05.2024

Mukander Kumar
..... Petitioner
Versus
State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Mandeep Kumar Dhot, Advocate for the petitioner.
Ms. Manjot Kaur, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.50 dated 05.04.2024, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) [Section 29 NDPS Act added later on), registered at Police Station City Khanna, Police District Khanna (Ludhiana).

(2) Allegations are that co-accused Sant Ram @ Ajay Kumar was found in possession of 7600 intoxicant tablets of Tramadol without any



license and petitioner has been nominated on the basis of disclosure, made by aforesaid co-accused.

(3) Contends that petitioner is not named in the FIR; rather he was nominated on the basis of disclosure made by co-accused Sant Ram @ Ajay Kumar. Also contends that there is no other criminal case pending against the petitioner and he is ready to join the investigation.

(4) *Per contra*, learned State Counsel after obtaining instructions opposed the prayer while submitting that petitioner was in constant touch with co-accused Sant Ram @ Ajay Kumar from whom 7600 intoxicant tablets of Tramadol were recovered. Also submits that co-accused deposited money in the account of petitioner on various occasions through Google Pay; thus, his custodial interrogation is required.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) *Prima facie*, there is sufficient material with the police that petitioner remained in constant touch with main accused at relevant point of time and this fact is evident from Call Details Records also. Apart that, main accused has deposited money in the account of petitioner on various occasions through Google Pay; thus, his complicity is apparent.

(7) In view of the above, custodial interrogation of the petitioner would be the only way out to unearth the truth. Hence, there is no option except to dismiss the petition.

(8) Ordered accordingly.



- (9) The above observations may not be construed as an expression of opinion on merits of the case.
- (10) Pending application(s), if any, shall also stand disposed off.

10th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes