



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-29837-2024

Date of decision: 05.08.2024

Nirmal Singh alias Nimma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.156 dated 02.09.2023 under Sections 21/29/61/85 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959 registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. On the last date of hearing i.e. 02.07.2024, the State was put to notice, in view of the following submissions made by learned counsel for the petitioner:-

“Learned counsel for the petitioner inter alia contends that a secret information was received qua the involvement of the co-accused in drug trafficking. Following the secret information, the co-accused was apprehended along with 600 grams of heroin; co-accused Lovejit Singh thereafter made a disclosure statement nominating the petitioner as being the supplier of the recovered contraband. Learned counsel submits that the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act



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coupled with the fact that the disclosure statement on the basis of which he has been nominated as an accused in the instant case, has very weak evidentiary value which leaves no manner of doubt about his false implication in the present case.”

3. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner by arguing that a specific secret information had been received qua the involvement of the petitioner and co-accused in drug trafficking. Learned State counsel, on instructions from ASI Manjinder Singh, submits that factually incorrect submissions have been made that the petitioner came to be nominated in a disclosure statement allegedly suffered by co-accused Lovejit Singh. Learned State counsel has submitted that the disclosure statement just corroborates the secret information which was received qua all the accused including the petitioner. It has been further submitted that the petitioner and the co-accused have links across the border and had been smuggling not only narcotic substances including heroin but also weapons from Pakistan; they had been in continuous communication with their accomplices from across the border through internet calls. Learned State counsel submits that since the recovery effected from co-accused Lovejit Singh is huge i.e. 600 grams of heroin, the petitioner's custodial interrogation is required in the present case.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner along with co-accused has been named in the secret information. Prima facie, they have links across the border

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and have been smuggling narcotic substances, including heroin, and they have been in communication across the through internet calls. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

5. Accordingly, the instant petition is hereby dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

05.08.2024**(MANJARI NEHRU KAUL)**

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No