



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

(Sr. No. 102)

**CRM-M No. 32780 of 2024
Date of decision : 12.07.2024**

Vikas Kumar @ Vikash Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Sangram Singh Saron, Advocate for the petitioner.
Mr. Amit Goyal, Addl. A. G., Punjab.

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DEEPAK SIBAL, J. (Oral)

1. After arguing the matter for some time, learned counsel for the petitioner seeks to withdraw the present petition which is the second petition filed by the petitioner under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 202 dated 12.09.2021 registered under Section 22 (c) and Section 29 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Kotkapura, District Faridkot.
2. A perusal of the record reveals that the petitioner's first petition filed by him for the grant of anticipatory bail was dismissed by this Court on 31.01.2022 through the following order :-

“The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.202 dated 12.09.2021 registered under Sections 22-C/61/85 of the Narcotic Drugs and Psychotropic Substance Act 1985 (for short – the NDPS Act) (later on Section 29 of the NDPS Act added) at Police Station Kotkapura, District Faridkot.



Briefly stated, the case of the prosecution is that 27,000 intoxicant tablets were recovered from co-accused Aman Garg @ Babba1 and his interrogation revealed that he and co-accused Jagtar Singh are in the business of buying and selling of intoxicant tablets. Aman Garg @ Babba1 further disclosed that on 20.08.2021, he had purchased 70 boxes of intoxicant tablets from the petitioner out of which he sold 25 boxes to co-accused Jagtar Singh and when he was going to deliver the remaining 45 boxes he was apprehended by the police. On the statement of Aman Garg @ Babba1 the petitioner was also nominated as an accused.

Learned counsel for the petitioner submits that the petitioner is undergoing treatment for his failed kidneys and therefore, on medical grounds, he be granted anticipatory bail.

Opposing the grant of anticipatory bail to the petitioner, learned State counsel submits that the petitioner is involved in the buying and selling of huge quantities of intoxicant tablets; there is another case under the NDPS Act pending against him; the petitioner has made a false statement in para no.17 of the present petition that he is not involved in any other case; on 12.11.2021, the petitioner appeared before the investigating agency at Kotkapura, District Faridkot but did not cooperate and that the petitioner's custodial interrogation is necessary to find out the trail of the recovered psychotropic substances.

To consider the petitioner's plea for the grant of anticipatory bail on medical grounds, on 06.12.2021, the petitioner was directed to appear before CMO, Faridkot who in turn was directed to get the petitioner medically examined through a Specialist and then file a report as to whether the petitioner was, in fact, suffering from Chronic Renal failure with DM TYPE II with ALD with HTN (Systemic). However, till date, the petitioner has not complied with such directions. The plea on behalf of the petitioner that he could not appear before the CMO, Faridkot due to ill health is rejected as it is not disputed that on 12.11.2021 the petitioner had come to Faridkot to join the investigation. If he could come to Faridkot on 12.11.2021, he could have also done so on 06.12.2021.

Further, the State asserts that the petitioner is not cooperating with the investigation.

Still further, in para no.17 of the present petition, the petitioner has stated that he has no other criminal case pending



against him. However, he does not rebut the stand taken by the State before this Court that he presently faces another criminal case under the NDPS Act being FIR No.122 dated 25.08.2019 registered under Section 18 of the NDPS Act at Police Station Sadar Ludhiana. Thus, the petitioner's affidavit is false.

In the light of the above as also for the reason that in the present case, the petitioner faces serious allegations of having supplied 70 boxes of intoxicant tablets to co-accused Aman Garg @ Babbal, this Court is of the opinion that there is no ground to grant the petitioner anticipatory bail.

Dismissed.

It is clarified that on his arrest, the State shall immediately get the petitioner medically examined and provide all possible treatment to him.”

3. As per the afore quoted order the petitioner’s prayer for anticipatory bail was dismissed on merits on 31.01.2022. Over two and a half years have elapsed ever since but till date the petitioner has not been arrested. *Prima facie*, there seems to be laxity on the part of the State to fairly investigate this matter which involves recovery of heavy quantity of narcotics.
4. In view of the above, S.S.P., Faridkot is directed to file his own affidavit explaining therein delay in arresting the petitioner. The efforts made by the police to arrest the petitioner shall also be detailed therein.
5. The prayer made by learned counsel for the petitioner to withdraw his plea for anticipatory bail is accepted but the matter be listed on 19.07.2024 for the State to comply with the afore directions.

12.07.2024
sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No