

2024.PHHC.088349



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

103

CRM M-33482 of 2024

**Date of Decision: 16.07.2024**

Jatinder Singh

...Petitioners

Versus

## State of Punjab

... Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Rishu Mahajan, Advocate,  
for the petitioners.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to him in case FIR No.67 dated 27.05.2024 registered under Sections 21(b)/29 of NDPS Act 1985 at Police Station Subhanpur, District Kapurthala.

2. In the present case, the FIR was registered on the basis of the statement made by SI Satpal Singh. As per the complainant, he alongwith other police officials were present on a patrolling duty. In the meantime, two young boys were seen coming and on suspicion, the police officials tried to apprehend both the young boys. During the said process, polythene envelopes fell on the ground from their trousers and from the envelopes, heroin was clearly visible. The police apprehended Karamdeep Singh son of Bawa and Harmeet Singh son of Gurbhag Singh, residents of Boja, Police Station Ghuman, District Gurdaspur and 100 gms of heroin was recovered

from them. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been nominated as an accused in the present case during the course of investigation on the strength of DDR No. 15 dated 28.05.2024 under Section 29 of the NDPS Act. He further contends that apart from the disclosure statement suffered by the co-accused, the police has not been able to collect any other evidence against him.

3. On the other hand, Mr. I.P.S. Sabharwal, DAG, Punjab , on advance notice has appeared and has vehemently opposed the submissions made by learned counsel for the petitioner. Learned State counsel submits that the following three FIRs have already been ordered to be registered against the present petitioner:-

*“1. FIR No. 200 dated 18.11.2021 under Sections 21(C), 25 and 29 of NDPS Act, P.S. STF SAS Nagar.*

*2. FIR No. 202 dated 02.06.2022 under Section 22 NDPS Act, 25 Arms Act, 42, 52-A Prison Act, P.S. Islamabad, District Amritsar.*

*3. FIR No. 260 dated 27.06.2022 under Section 42, 52-A Prison Act, Police Station Islamabad, District Amritsar’.*

Learned State counsel further contends that the petitioner is a habitual criminal and is involved in drug trade in the State of Punjab.

3. I have heard learned counsel for the parties and perused the record.

4. The Hon'ble Supreme Court has held in the matter of **“State of Haryana Vs. Samarth Kumar”, 2022 LiveLaw (SC) 622**, as follows:-

*“4. The High Court decided to grant pre-arrest bail to the respondents on the only ground that no recovery was effected from the respondents and that they had been implicated only on the basis of the disclosure statement of the main accused Dinesh Kumar. Therefore, reliance was placed by the High Court in the majority judgment of this Court in **Tofan Singh v. State of Tamil Nadu reported in (2021) 4 SCC 1**.*

*5. But, it is contended by the learned Additional Advocate General appearing on behalf of the State of Haryana that on the basis of the anticipatory bail granted to the respondents, the Special Court was constrained to grant regular bail even to the main accused-Dinesh Kumar and he jumped bail. Fortunately, the main accused-Dinesh Kumar has again been apprehended. According to the learned Additional Advocate General, the respondent in the second of these appeals is also a habitual offender.*

*6. Learned counsel appearing on behalf of the respondent in the first of these Appeals contends that the State is guilty of suppression of the vital fact that the respondent was granted regular bail after the charge-sheet was filed and that therefore, nothing survives in the appeal. But, we do not agree.*

7. *The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.*

8. *In cases of this nature, the respondents may be able to take advantage of the decision in **Tofan Singh v. State of Tamil Nadu (supra)**, perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.”*

5. Apart from that, it is apparent from the submissions made by learned counsel for the parties that the petitioner is involved in three more cases. Still further, there are serious allegations against the present petitioner and in the considered opinion of the Court, the custodial interrogation of the petitioner is required and no exceptional ground is made out to grant the concession of anticipatory bail to the petitioner

6. Thus, finding no merits, the present petition is ordered to be dismissed.

16.07.2024  
amit rana

(N.S.SHEKHAWAT)  
JUDGE

Whether reasoned/speaking : Yes/No  
Whether reportable : Yes/No