



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102

CRM-M-35235-2024
Date of decision: July 25th, 2024

Gurjant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. G.K. Mann, Senior Advocate
with Mr. Gursharan Singh and Ms. Simrat Kaur, Advocates
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.38 dated 28.02.2024 under Sections 21(C) and 29 of the NDPS Act, registered at Police Station Special Task Force, District STF Wing, Mohali.

2. Learned senior counsel for the petitioner submits that the petitioner has been nominated in the present case on the basis of a disclosure statement allegedly suffered by co-accused Paramjit Singh from whom recovery of one kilogram of heroin was affected. It has been asserted by the learned senior counsel that the evidentiary value of the disclosure statement allegedly suffered by co-accused is of a weak nature and cannot be relied upon.

3. On a pointed query as to whether the petitioner is involved in any other criminal case, learned senior counsel has replied in the affirmative and submitted that the petitioner is indeed involved in one other case registered under the NDPS Act, however, therein also, no

recovery of any narcotic substance was affected but a recovery of ₹50,000/- as drug money was shown to be affected from the petitioner.

4. Notice of motion.

5. On the asking of the Court, Mr. Navdeep Singh, Deputy Advocate General, Punjab, accepts notice on behalf of the State.

6. Learned counsel for the State has, however, vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel, on instructions from S.I. Harpal Singh, has submitted that a secret information was received qua the involvement of co-accused Paramjit Singh pursuant to which, he was apprehended and then aforesaid huge recovery of one kilogram of heroin was affected from him. He has submitted that no doubt, the petitioner was not present with the co-accused and was nominated as an accused on the basis of a disclosure statement suffered by co-accused Paramjit Singh, however, in the disclosure statement, it had been categorically stated that the petitioner along with him had purchased 2½ kilograms of heroin from across the border; while one kilogram of heroin came to the share of Paramjit Singh, the remaining contraband had come to the share of the petitioner. Learned State counsel has submitted that besides this, ample evidence was also collected as one of the mobile handsets which was recovered from co-accused Paramjit Singh was in the name of none other than the petitioner. It has, therefore, been argued by the learned State counsel that the complicity of the petitioner in the crime in question is clearly discernible for which his custodial interrogation is necessitated, more so when the recovered contraband has come from Pakistan.

7. I have heard learned counsel for the parties and perused the relevant material on record.
8. 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.
9. The instant petition stands dismissed.
10. 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.

July 25th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No