

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36379-2024
Date of decision : 16.10.2024

Karamjit Singh alias KammaPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. J.P. Singh, Advocate for
Mr. Neeraj Sansaniwal, Advocate
for the petitioner.

Mr. Iqbal S. Kingra, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Prayer in this 4th petition filed under Section 482 BNSS, 2023 is for grant of pre-arrest bail to the petitioner in case F.I.R. No.0016 dated 22.03.2024 registered for the offence punishable under Section 18 of the NDPS Act, 1985 and Section 61 of the Punjab Excise Act, 1914 at Police Station Khanauri, District Sangrur, Punjab.

2. As per the case of the prosecution a secret information was received against the present petitioner and one Raju of being involved in smuggling of opium. It was further informed that huge quantity of opium is lying concealed in the courtyard and the room situated at the back side of the house of the petitioner. House of the petitioner was barricaded which led to recovery of 2 kg. of opium along with 540 litre of *lahan*. 2 persons present

at the back side of the house were identified by Ramphal Singh Chowkidar as the present applicant and his accomplice Raju. Both of them succeeded in fleeing away on seeing the police party.

3. Earlier also similar petitions have been filed by the present petitioner seeking pre-arrest bail. The same stand dismissed as withdrawn on 19th of April, 2024, 9th of May, 2024 and thereafter on 16th of July, 2024.

4. On being asked w.r.t. the change in circumstance since dismissal of the earlier petitions, counsel for the petitioner submits that since no recovery has been effected from the conscious possession of the present petitioner, he deserves to be granted pre-arrest bail.

5. I have heard counsel for the parties and have gone through records of the case.

6. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1** the Court while considering prayer for pre-arrest bail has to consider as to whether the accusation appears to be actuated by *mala fides*, nature of seriousness of the proposed charges, the role attributed to the applicant and the probabilities of securing presence of the applicant during the course of trial and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.

7. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail.

8. In view of above, apart from it being 4th petition seeking pre-arrest bail, even on merits, this Court finds that keeping in view the nature of serious allegations levelled against the petitioner and the fact that huge quantity of narcotic substance in form of 2 Kg. of opium and 50 litres of illicit liquor has been recovered from his house, the petitioner does not deserve the concession of pre-arrest bail.
9. Resultantly, the instant petition is dismissed.
10. Needless to say nothing observed hereinabove shall be construed as an expression on the merits of the case.

October 16, 2024	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No