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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-42801-2024
Date of Decision:-16.09.2024

MOHD. SALEEM @ MOHAMMAD SALIM ALIAS MURAD ALI

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ajay Pal Singh Rehan, Advocate, for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of affidavit dated 15.09.2024 of Deputy Superintendent of Police, City, District Gurdaspur, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 438 of the Criminal Procedure Code 1973, the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under:-

FIR No.	Dated	Sections	Police Station
29	08.03.2024	21 (C) of NDPS Act	Sadar Gurdaspur, District Gurdaspur



3. Heard.

4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was not arrested on the spot but was nominated on the alleged disclosure statement of co-accused Imam Hussain who was arrested in the case alongwith contraband and the petitioner has no concern therewith. Hence, he prays for grant of anticipatory bail to the petitioner.

5. *Per contra* learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that the petitioner was traveling in the car alongwith co-accused Imam Hussain and on being intercepted by the police, the petitioner had ran away from the spot and this aspect is also mentioned in the FIR itself. He further contends that as per the disclosure statement of the co-accused, the petitioner had purchased the said Heroin from one Bhiwali, and in these circumstances, custodial interrogation of the petitioner is required to unearth the supply sequence of the narcotics recovered from the co-accused and prayed for dismissal of the bail petition.

6. After considering the arguments and perusing the record, it transpires that on 10.03.2024 the police party while being on patrol duty and checking of vehicle, intercepted one car on suspicion and in the meanwhile, the person sitting on the conductor side, by opening the door of car had ran away, who could not be apprehended on the spot. From the person driving the vehicle 500 gram heroin was recovered and arrested as per rules. During course of his interrogation, he disclosed the name of the

person who had ran away, happens to be the present petitioner and that he had purchased the contraband from one Bhiwali. It is not the case, that the role of the petitioner has surfaced in the disclosure statement but in fact he was accompanying the co-accused Imam Hussain in the same vehicle, although he managed to escape on being intercepted by the police. Therefore, considering the nature and gravity of offence and also the fact that interrogation of petitioner is required to unearth the supply chain of the narcotics, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

16.09.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No