

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

**102**

**CRM-M-42896-2024**

**Date of Decision : September 12, 2024**

**BHUPINDER SINGH ALIAS BHINDA AND ANOTHER**

**-PETITIONERS**

**V/S**

**STATE OF PUNJAB**

**-RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Anil Kumar Spehia, Advocate  
for the petitioners.

Mr. Pardeep Bajaj, D.A.G., Punjab.

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**KULDEEP TIWARI, J. (ORAL)**

1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioners seek the concession of anticipatory bail, in case FIR No.116 dated 25.07.2024, under Sections 18(C) and 29 of the N.D.P.S. Act, 1985, registered at P.S. Cantt. Jalandhar.

2. The learned counsel for the petitioners submits that the petitioners have no concern whatsoever with the alleged recovery of 10 kgs 500 grams of opium, which has been effected from their co-accused, and, which falls in the category of “commercial quantity”. The name of the petitioners surfaced for the first time ever only in the disclosure statement, as suffered by their co-accused Captain Singh @ Komal, whereupon, they have been arrayed as accused in the instant FIR. He contests the evidentiary vigor of the said disclosure statement, on the ground that, the same was suffered by the co-accused (supra) while being

in police custody.

3. In deference to the directions issued by this Court on 02.09.2024, the learned State counsel has filed a status report, on affidavit of Ashok Kumar, PPS, Assistant Commissioner of Police, EOW CUM CRIME, Jalandhar, which is taken on record. A perusal of this status report reveals that the petitioner(s) are involved in two more cases, details whereof are extracted hereinafter:-

*(i) FIR No.330 dated 03.12.2020, under Sections 323/324/326/148/149/120-B of the IPC, registered at P.S. Basti Bawa Khel, Jalandhar (FIR already quashed against petitioner No.1- Bhupinder Singh @ Bhinda);*

*(ii) FIR No.185 dated 01.08.2021, under Sections 307/324/326/341/506/148/149 of the IPC, and, Section 25 of the Arms Act, registered at P.S. City Phagwara, Kapurthala (Against petitioner No.2- Amit Kumar @ Gori).*

4. Although the petitioners have been nominated as accused on the basis of disclosure statement, however, taking into account: (i) their hereinabove extracted criminal antecedents; (ii) the fact that the recovered contraband falls within the ambit of “commercial quantity”; (iii) the settled position of law that liberal approach in the matters related to the Narcotic Drugs and Psychotropic Substances is uncalled for; therefore, this Court refrains from granting the asked for relief. Insofar as evidentiary worth of the disclosure statement of co-accused (supra) is concerned, the same can only be considered and ascertained at the appropriate stage of trial.

5. Consequently, this Court does not deem it a fit case to grant

the extraordinary relief of anticipatory bail to the petitioners. To reach at this conclusion, this Court also garners strength from the judgment rendered by the Hon’ble Supreme Court, in case titled as “*The State of Haryana Versus Samarth Kumar*”, 2022 (3) RCR (Criminal) 991. In summa, the asked for relief of anticipatory bail is declined to the petitioners and the petition is accordingly **dismissed**.

6. However, anything observed hereinabove shall neither be construed to have any bearing on the outcome of the trial, nor the trial Court concerned shall be influenced by any of the observations recorded herein.

September 12, 2024  
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(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No