

CRM-M-43778-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43778-2024

Date of Decision:- 18.12.2024

Harish Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

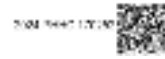
Mr. Kewal Singh, Addl. A.G., Punjab.

AMARJOT BHATTI, J.

1. Petitioner Harish Kumar has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.100 dated 19.07.2024, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act was added later on vide order dated 24.09.2024), registered at Police Station Moti Nagar, District Ludhiana.

2. As per facts of the case, on 19.07.2024 ASI Jatinder Kumar and the police party were checking suspected persons and drug peddlers, when he received information that Deepak Kumar alias Pappa who is habitual of selling drugs, purchased heroin from Harish Kumar @ Honey, Lalit Kumar @ Lucky at a cheaper rate and sells it at higher rate. Said Deepak Kumar @ Pappa was coming towards park opposite Government College, East

Moti Nagar, Ludhiana from Millerganj, Ludhiana to supply heroin to his



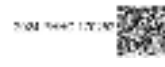
customers and if raid is conducted, he could be apprehended. On the basis of this information, present FIR was registered and on conducting raid said accused Deepak Kumar @ Pappa was apprehended and 20 grams of heroin was recovered from his possession.

3. Learned counsel for petitioner argued that petitioner is falsely implicated in this case. Petitioner Harish Kumar is named along with Lalit Kumar @ Lucky by main accused Deepak Kumar @ Pappa. Recovery was effected from main accused Deepak Kumar @ Pappa. Petitioner is ready to join the investigation and abide by the terms of bail order. Therefore, his anticipatory bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Aforesaid factual position is not disputed. Present petitioner is involved in 06 other cases which are detailed in para No.7 of the status report dated 12.10.2024. Custodial interrogation of present petitioner is required to ascertain the source of contraband and to enquire about the persons who are involved in drug trafficking.

5. I have considered the aforesaid arguments and have gone through the record. Present petitioner is named by co-accused Deepak Kumar @ Pappa from whose possession 20 grams of heroin and some cash amount was recovered. No doubt petitioner is involved in several other cases but in the case in hand, he was not apprehended on the spot. He is ready to join the investigation.

6. Considering the facts of case, no purpose would be served by sending the petitioner behind the bars. Accordingly, anticipatory bail petition filed by petitioner –Harish Kumar is allowed. He be not arrested.



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In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioner will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 482(2) BNSS.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

18.12.2024
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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