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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-45783-2024
Date of Decision:-04.12.2024

KARAN

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Manoj R Sharma, Advocate for the Petitioner.
Mr. Rajinder Singh Bhatta, DAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 of Criminal Procedure Code, the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
96	22.06.2024	21, 25, 29 of NDPS Act	Special Task Force, STF Wing (Sohana) SAS Nagar

2. Argument heard.
3. 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 named in the FIR but was nominated on the disclosure statements of co-accused Balraj Singh, Jugraj Singh and Karamjit Singh who were apprehended on the spot and recovery of 1 kg heroin was effected from their scooter and the petitioner has no concern with



the aforesaid co-accused as well as with the alleged recovery. Hence, he prays for grant of concession of anticipatory bail to the petitioner.

4. Per contra, learned State counsel referring to the reply submitted by the State has assailed these arguments, by submitting that petitioner was the driver of the alto car used in the crime carrying co-accused Karamjit Singh alias Bunty and Billa and on raid, managed to escape, however Karamjit Singh @ Bunty, Balraj Singh alias Jaggu, Jugraj Singh @ Jaggu were apprehended and recovery of 1 kg of heroin was effected from them and they in their disclosure statement named the present petitioner as driver of the alto car. He contends the recovery of the alleged contraband is commercial in nature and considering the nature and gravity of offence, custodial interrogation of the petitioner is required for proper investigation of the case and to unearth the source of the contraband. Hence prayed for dismissal of the bail petition.

5. After considering the arguments and perusing the record, it transpires that the instant case was registered on the secret information of smuggling of drugs by the gang of smugglers. Accordingly, naka was laid and one Alto car bearing No. PB02-BS-6772 having three persons sitting and one Activa scooter having two persons were coming. One of the boy alighted from the car and went near the boys sitting on the scooter. The police cordoned the area and when tried to apprehend then Alto car driver managed to escape alongwith other person, however, other three persons were apprehended and they had disclosed their names as Balraj Singh @ Jagga, Jugraj Singh @ Jaggu and Karamjit Singh @ Bunty and in their disclosure statement they had disclosed that the driver of the alto car was



Karan Kumar i.e. the present petitioner and on search of the scooter recovery of 1 kg of heroin was effected.

6. A perusal of record further transpires that petitioner has actively participated in the crime and as per reply submitted by the State, petitioner was in constant touch with co-accused Balraj Singh through mobile phone. Admittedly, the contraband recovered i.e 1kg of heroin is commercial in nature. Therefore, considering the serious nature and gravity of offence, custodial interrogation of the petitioner is required for thorough probe of case, so as to unearth the *modus operandi* and the chain of supply of contraband, as such, 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

04.12.2024

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