



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

CRM-M-46393-2024

Date of decision: 18.09.2024

Sarmukh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. K.S. Sidhu, Advocate and
Mr. Abhaysher Singh, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of anticipatory bail in criminal case having FIR No.160 dated 19.08.2023, under Sections 21/29/61/85 of NDPS Act and Sections 25/27/54/59 of Arms Act (Section 483 of IPC was added later on), registered at Police Station City Sangrur, District Sangrur.

2. The allegations in nutshell are that police apprehended Jaspal Singh, Gurpreet Singh and Prem Singh. Recovery of 1 kg 300 grams of heroin was recovered at the instance of disclosure statement suffered by Prem Singh. Thereafter, one Rajwinder Singh @ Raja was also arrested, who named the present petitioner in his disclosure statement and then, petitioner was nominated as an accused in the present case.

3. The counsel for the petitioner submits that petitioner is falsely implicated in the present case, on the basis of disclosure statement of one Rajwinder Singh. No contraband was recovered from said Rajwinder Singh. It is further submitted that the aforesaid disclosure statement made by co-accused against the present petitioner is inadmissible in evidence. It is further submitted that petitioner is ready to join the investigation with the



police.

4. The present petition is resisted by the State counsel who submits that petitioner was nominated as accused on the basis of disclosure statement of co-accused Rajwinder Singh @ Raja. It is further submitted that the present case is relating to recovery of 1 kg 300 grams of heroin from co-accused Prem Singh. It is further submitted that petitioner is already involved in two other case under NDPS Act and is required by the police for proper investigation in the present case.

5. I have considered the submissions made by counsel for the parties.

6. The present case is relating to recovery of commercial quantity of heroin at the instance of co-accused Prem Singh, who named Rajwinder Singh @ Raja as supplier of the said contraband. On his arrest, Rajwinder Singh @ Raja disclosed the name of present petitioner as a supplier of the said contraband to him. Rigors of Section 37 NDPS Act are applicable in the instant case. Further, petitioner is having criminal history under NDPS Act.

7. In the given circumstances, no ground is made out to grant anticipatory bail to the petitioner.

8. Consequently, the present petition is hereby dismissed being devoid of merits. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

18.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No