



CRM-M-47553-2024 -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47553-2024
Date of decision : 23.09.2024

Jora
.....Petitioner

vs.

The State of Punjab
.....Respondent

CORAM:HON’BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present: Mr. Hasrat Brar, Advocate for the petitioner.
Mr. Gagneshwar Walia, Additional Advocate General, Punjab.
...

SHEEL NAGU, C.J. (Oral)

1. The petitioner, apprehends his arrest in FIR No. 252 dated 24.06.2023 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘the NDPS Act’), (Section 29 of the NDPS Act, added later on, vide DDR No. 12 dated 27.06.2023), at Police Station City Ferozepur, District Ferozepur, arising out of recovery of 50 grams of Heroien from the co-accused, namely, Gobinda, whose confessional statement under Section 27 of Indian Evidence Act (Section 23 of Bharatiya Sakshya Adhiniyam, 2023), has led to the registration of offence against the petitioner.
2. The Investigation is yet to be completed.
3. Learned counsel for the petitioner submits that initially, when the petitioner approached the Sessions Court, he was granted interim



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anticipatory bail on 09.09.2024, which however was withdrawn on 16.09.2024, on the ground that the petitioner did not co-operate in the investigation.

4. It is submitted by learned counsel for the petitioner that on account of his implication in another prosecution, arising from FIR No. 256 dated 26.06.2023, relating to similar offences, where 45 grams of Heroien was recovered from co-accused therein, with no recovery from the petitioner, the petitioner could not join investigation.

5. Considering the over all circumstances, it is obvious that the petitioner has criminal antecedents of similar nature of offence under NDPS Act.

6. Irrespective of the fact, of petitioner having not joined investigation because of compelling reasons, this court is of the considered view that in matter of this nature, in terms of the decision of the Apex Court in the case of 'State of Haryana Vs. Samarth Kumar 2022 (3) RCR (Criminal) 991', the anticipatory bail is a rarity and specially when the drug menace is rampant in the State of Punjab.

7. Accordingly, no case for grant of anticipatory bail is made out to the petitioner.

8. Consequently, the petition stands dismissed.

23.09.2024
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(SHEEL NAGU)
CHIEF JUSTICE

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