



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

CRM-M-48895-2024

Date of Decision : **14.10.2024**

JOBANJIT SINGH @ JOBAN

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Parivartan Singh, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), prayer is made for grant of 'anticipatory bail' to the petitioner in case FIR no.232, dated 04.08.2023 (Annexure P-1), under Sections 21/29/61/85 of the NDPS Act, registered at Police Station STF, SAS Nagar, Mohali.

2. A secret information received by the police regarding involvement of one Balkar Singh, Ranjit Singh alias Raja, Kuljit Singh alias Kittu, in smuggling of heroin on a large scale. They were supplying the said heroin in the rural areas of Amritsar. On the basis of the said secret information, FIR (*supra*) was registered, and thereupon, Avtar Singh alias Kalu, and Ranjit Singh alias Raja, and Kuljit Singh, were apprehended by the police. Balkar Singh, brother of Avtar Singh, suffered

a statement that he was engaged in the business of heroin with his accomplice-Kuljit Singh, and has bought heroin weighing 500 grams from the said Kuljit Singh, out of which he had sold 50 grams of heroin to some customers and had concealed rest of the heroin in his house, which, in pursuance of the disclosure statement, he got recovered 450 grams of heroin. In the similar manner, co-accused-Kuljit Singh was also arrested and he suffered a disclosure statement that he alongwith his accomplice-Amritpal Singh, was involved in the business of selling heroin. He got recovered 150 grams of heroin from his house. Further, during the investigation, co-accused-Kuljit Singh, was also arrested and made a disclosure statement that he bought heroin weighing 1 kg. from the present petitioner, out of which he sold 500 grams heroin to accused-Balkar Singh and Ranjit Singh, and 200 grams of heroin to some other customers and rest 300 grams of heroin was kept by him in his house which was got recovered from there.

3. In the instant case, the recovery which was effected from the co-accused, undisputedly falls within the ambits of commercial quantity. The allegations against the present petitioner are that he is the person who has supplied the said 1 kg. heroin to co-accused-Kuljit Singh.

4. Learned counsel for the petitioner, in asking for the relief of anticipatory bail submits that except the disclosure statement of the co-accused, there is nothing on record to connect the present petitioner with the instant crime.

5. He further submits that except the call detail records *inter se* the co-accused and the petitioner, there is no evidence with the prosecution agency, against the present petitioner.

6. On the other hand, learned State counsel vociferously opposed the asked for relief (*supra*), to the present petitioner, and has filed a short reply dated 12.10.2024, by way of an affidavit of Sh.Ravi Sher Singh, DSP, STF, Border Range, District Amritsar, today in Court, which is taken on record, with a copy thereof already supplied to learned counsel for the petitioner.

7. This court has heard learned counsel for the parties concerned, and have gone through the record with their able assistance.

8. Considering the fact that a huge recovery of heroin has been effected from the co-accused, and the allegation against the present petitioner being that he has supplied the said 1 kg. of heroin to co-accused, this court is not inclined to grant the extra-ordinary relief of anticipatory bail to the present petitioner. So far as the veracity of the disclosure statement, as suffered by the co-accused is concerned, that, will be ascertained at an appropriate stage of trial.

9. For this view, this Court finds support from the judgment passed by the Hon'ble Supreme Court in **“The State of Haryana vs Samarth Kumar,” 2022 LiveLaw (SC) 622**, wherein, the Hon'ble Supreme Court has observed as under:-

“7. The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.

8. *In cases of this nature, the respondents may be able to take advantage of the decision in Tofan Singh vs. State of Tamil Nadu (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.*

9. *To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into an error in granting anticipatory bail to the respondents.”*

10. Consequently, the instant petition, is hereby, **dismissed**.
11. All pending application(s), if any, also stand **disposed** of accordingly.

October 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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