



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-50123-2024
Date of decision: October 4th, 2024
.....Petitioner

Varinder Singh

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gursimran S. Bawa, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.20 dated 28.03.2024 under Sections 21(C), 29 of the NDPS Act and Sections 10, 11, 12 of Aircraft Act, 1934, registered at Police Station Sarai Amant Khan, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on account of political rivalry in his village. It has been further submitted that the alleged recovery of 500 grams of heroin was from an open space and the petitioner was not even present at the spot when the alleged recovery was affected. Learned counsel has still further argued that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Dilpreet Singh, who belongs to the opposite camp in the village and had intentionally nominated the petitioner in the instant case, as being one of his accomplices.

Learned counsel has submitted that the evidentiary value of the

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disclosure statement on the basis of which the petitioner has been nominated as an accused is of a weak nature and thus, he deserves the concession of anticipatory bail.

3. Notice of motion.

4. On the asking of the Court, Mr. Navdeep Singh, Deputy Advocate General, Punjab, accepts notice on behalf of the State.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite and has submitted that it was pursuant to a secret information received that some contraband was likely to be airdropped through drone into the Indian territory, a huge recovery of 500 grams of heroin was affected. After the police party recovered the contraband, two mobile handsets along with one stolen motorcycle was also recovered from the spot. The petitioner was seated close to the place of alleged recovery in suspicious circumstances. On being chased, the petitioner managed to flee away from the spot. Learned State counsel has also submitted, on instructions, that the petitioner has previously also been involved in one more case under the NDPS Act i.e. FIR No.259 dated 25.10.2022, for which he is facing trial; he was on bail when he was yet again involved in the present case. A prayer has, therefore, been made for dismissal of the instant petition.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. The petitioner comes across as a habitual offender. This is not the first time that he has been involved in a case under the



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NDPS Act. This Court, therefore, in the aforementioned facts and circumstances, does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

8. The instant petition stands dismissed.
9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 4th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No