

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-61297-2023

Date of Decision:- 12.02.2024

Ajay @ Ajay Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr.Munish Raj Chaudhary, Advocate
for the petitioner.
Mr.Akshay Kumar, AAG, Punjab.

Kuldeep Tiwari, J. (Oral)

1 In the instant petition, prayer is made for grant of anticipatory bail to the petitioner in case FIR No.510 dated 04.11.2023, under Sections 22, 29, 61/85 of the NDPS Act, 1985, registered at Police Station City, Barnala, District Barnala.

2. On the last date of hearing i.e. 06.12.2023, the following order was passed:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.510 dated 4.11.2023, under Sections 22, 29, 61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City, Barnala, District Barnala.

The prosecution case, as set up against the present petitioner is that the co-accused, namely, Chamakdeep @ Nimma, who was selling intoxicant tablets, was arrested with 150 loose intoxicant tablets of white colour. During investigation in police custody, he disclosed that he has purchased these intoxicant tablets from the present petitioner.

As of date it is not clear that what is the salt of these intoxicant tablets. Further, the quantity of the salt is also not clear.

Considering the fact that the petitioner, who has clean antecedents and as on date, except the disclosure statement, there is no other evidence against the petitioner, this Court deems it fit and appropriate to grant the relief of anticipatory bail to the petitioner. Notice of motion for 12.2.2024.

On the asking of the Court, Mr. Karunesh Kaushal, AAG, Punjab, accepts notice on behalf of the State of Punjab and prays for time to file reply.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and

surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

3. Today, learned State counsel has filed reply by way of affidavit of DSP, Sub Division Barnala, on behalf of the respondent-State, which is taken on record.

4. A perusal of the reply reveals that the alleged recovery of the contraband, as seized by the police from the co-accused of the petitioner, comes out to be 56.55 gm, which falls within the ambit of non-commercial quantity. As per the discloser statement of the co-accused, he has brought the said contraband from the petitioner. The petitioner is also stated to be involved in as many as 06 cases mentioned in para No.5 of the reply. It is further revealed that the petitioner is constantly in touch with the main accused as per calls detail record. The reply further speaks that from dated 01.10.2023 to 04.11.2023, on more than 50 occasions, there is an exchange of calls between the petitioner and the main accused.

5. In view of the specific allegations, which connect the petitioner with the said crime, this court is not inclined to grant the pre-arrest bail to the petitioner, and the instant petition is ordered to be dismissed.

12.02.2024
sd

(KULDEEP TIWARI)
JUDGE

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