

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-64025-2023

Date of decision: 08.01.2024

Satnam Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vipul Jindal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.182 dated 27.09.2023 under Sections 21, 23, 25, 27(a), 29 of the NDPS Act, 1985 registered at Police Station Gharinda, District Amritsar Rural.

2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the present case as the FIR in question was registered against a person named Musa, while the petitioner is Satnam Singh. It has been further submitted that the petitioner has been falsely implicated by the police due to a grudge held by Sub Inspector Satwinder Singh; this enmity arose on account of the involvement of the petitioner's cousin in multiple criminal cases, leading Sub Inspector Satwinder Singh to harass his entire family under the guise of investigation.

3. Learned counsel for the petitioner has further asserted that Sub Inspector Satwinder Singh's influence within the police also enabled him to falsely implicate the petitioner in several other cases

under the NDPS Act. Moreover, the petitioner came to be nominated in this case on the basis of a disclosure statement allegedly suffered by co-accused Gurbaj Singh. Learned counsel submits that it is common knowledge that such like disclosure statements are obtained from co-accused by subjecting them to police torture. In support, learned counsel has placed reliance upon a decision of a Coordinate Bench in ***Amarjeet Singh @ Amar Singh Vs. National Investigation Agency CRA-D-226-2021***.

4. I have heard learned counsel and perused the relevant material on record.

5. In the present case the petitioner was arrayed as an accused pursuant to a secret information received. It also came to the fore that the petitioner also operates under the alias of Musa. There are grave allegations levelled against the petitioner of smuggling heroin from across the border. Disclosure statement of co-accused Gurbaj Singh further reveals that he has links with the suppliers across the border which has facilitated the supply of heroin into the country. Additionally, it is also a matter of record that the petitioner is involved in other cases under the NDPS Act.

6. Reliance placed by the learned counsel upon ***Amarjeet Singh's case (supra)*** is highly misplaced as the observations made by a Coordinate Bench was while deciding an appeal and not in a petition for anticipatory bail.

7. Given the serious nature of allegations against the petitioner along with his criminal background, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the

petitioner. Accordingly, the instant petition is hereby dismissed.

8. 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.

08.01.2024

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)
JUDGE