



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

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CRM-M-21645-2025**Date of decision: April 25, 2025****RAJWINDER SINGH @ RAJ**

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. B.K. Saini, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.0037 dated 26.02.2025 under Sections 22 (and Section 29 added later on vide GD No.23 dated 28.02.2025) of the NDPS Act, 1985, registered at Police Station Dharamkot, District Moga.

2. Learned counsel for the petitioner, while seeking the concession of anticipatory bail, submits that the petitioner was not apprehended at the spot, where co-accused Balwinder Singh was allegedly found in possession of 50 loose intoxicant tablets. It is submitted by learned counsel for the petitioner that there is no allegation of the petitioner being present at the scene of recovery, and his implication in the present case is solely based on a disclosure statement allegedly made by the co-accused, wherein the petitioner was nominated as the supplier of the recovered contraband. Learned counsel for the petitioner has contended that the evidentiary value of such a disclosure statement is extremely weak, particularly when it is uncorroborated by any independent evidence. It is further argued that the

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petitioner has been falsely implicated due to previous acrimony arising out of village politics.

3. On a pointed query put to the learned counsel for the petitioner with respect to the criminal antecedents of the petitioner, he has fairly conceded that the petitioner stands involved in 7 other criminal cases, including 5 under the provisions of the NDPS Act, registered between the years 2019 and 2024. However, it was submitted that the petitioner had been granted bail in all such cases.

4. Notice of motion.

5. On the asking of the Court, Mr. H.S. Deol, Sr. DAG, Punjab accepts notice on behalf of the respondent-State.

6. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner and submitted, on instructions, that the petitioner is a habitual offender, who has repeatedly indulged in criminal activities, particularly those involving narcotic substances. It has been contended that the petitioner has misused the concession of bail previously granted to him and that there is every likelihood of his repeating similar offences, if released on bail. Emphasis has also been laid on alarming rise in drug trafficking in this region, necessitating a strict approach.

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

8. Undoubtedly, the petitioner was not apprehended at the spot and the sole material linking him to the offence was the disclosure statement made by the co-accused. It is well settled that a disclosure statement, by



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itself, holds weak evidentiary value, unless corroborated by other independent evidence. However, in assessing overall circumstances of the instant case, the past criminal conduct of the petitioner cannot be ignored.

9. The petitioner admittedly has a history of involvement in multiple criminal cases, including cases under the NDPS Act. The fact that he is already facing prosecution in 5 other cases under the NDPS Act, indicates a consistent pattern of behaviour. Prima facie, the antecedents of the petitioner lend credence to the allegations made in the present case, and raise a reasonable apprehension that he may again indulge in similar activities, if granted the relief sought.

10. In view of the nature of accusations against the petitioner, his persistent involvement in narcotic offences, and the need to curb the menace of drug trafficking, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner.

11. Accordingly, the instant petition stands dismissed.

12. 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.

April 25, 2025

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

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