

**This Petition Has Been Filed Under Section 438 of the Code of Vs. State of Punjab.**

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**Court :** Punjab and Haryana

**Decided On :** Feb-04-2014

**Appellant :** This Petition Has Been Filed Under Section 438 of the Code of

**Respondent :** State of Punjab.

**Judgement :**

CRM-M-41872 of 2013 -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM-M-41872 of 2013. Decided on:-February 4th, 2014. Nitin Chhabra. ....Petitioner. Versus State of Punjab. ....Respondent. CORAM: Hon'ble Mr. Justice Dr. Bharat Bhushan Parsoon. \*\*\*\*\* Argued by:- Mr. Jagdish Manchanda, Advocate for the petitioner. Mr. K.D.S.Sidhu, Additional Advocate General, Punjab. \*\*\*\*\* Dr. Bharat Bhushan Parsoon, J.

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.173 dated 18.9.2013 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station, Shambhu, District Patiala.

2. Prayer for anticipatory bail has been made by the petitioner in the stated FIR claiming that he has been falsely implicated in this case whereas he has nothing to do with the recovery of medicines from co-accused Anil Kumar (non-petitioner).

3. This matter relates to recovery of 10,000,00 Microlit Tablets and 48,000 intoxicating capsules on 18.9.2013. As per the investigations, the Yag Dutt 2014.02.05 10:32 I attest to the accuracy and integrity of this document CRM-M-41872 of 2013 -2- petitioner was prominently named by the informer that he was indulging in the business of narcotic drugs. The petitioner has also been named by co- accused Anil Kumar (non-petitioner), who is none else but real brother of the petitioner. He has given definite clues to the investigating agency disclosing further that the entire stock was brought by the petitioner from Delhi and he alone has knowledge as to from where he purchased the same and to which destination the contraband was to reach.

4. It is averred that Anil Kumar (non-petitioner) was picked up from his house at Panipat on 17.9.2013 by the Punjab Police and this FIR has been lodged wrongly. It is claimed that mother of the petitioner had then made a representation to the Director General of Police, Chandigarh, regarding which enquiry is pending.

5. Prayer for pre-arrest bail has been strongly opposed by the respondent-State claiming that preceded by a secret information, recovery was effected at the spot and there is no truth in the pleas raised by the petitioner. It is claimed that no case for pre-arrest bail has been made out. Learned State counsel further submits that as per the information becoming available during investigations, there are few others in association with whom, the petitioner and his brother Anil Kumar (non-petitioner) are indulging in this business of selling of intoxicating tablets and capsules. It is urged that during investigations, it has been found that the entire gang engaged in sale of intoxicating tablets and capsules, is being run by the petitioner with the help of his real brother and at least two more, whose identity by now is clear to the investigating agency.

6. Counsel for the petitioner as also for the respondent-State have been heard at length.

7. Plea of the petitioner that he is innocent and has falsely been involved in this case is not acceptable at this stage particularly when he is named in the information acting upon which the investigating agency had Yag Dutt 2014.02.05 10:32 I attest to the accuracy and integrity of this document CRM-M-41872 of

2013 -3- laid a trap and had arrested Anil Kumar (non-petitioner), real brother of the petitioner with the contraband and who has also specifically named the petitioner as the pivot.

8. It is, rather, evident from the investigations conducted till date that the petitioner being the king-pin apparently is the real culprit and his custodial interrogation is required to trace the source of the huge supplies as well as the destination for which the contraband was intended. Investigations are being conducted by Special Investigation Team. There is huge recovery of the contraband.

9. There is absolutely no explanation coming forth as to why such huge stock of contraband was being transported from one place to another and especially by those who claim to be fruit merchants and thus allegedly had nothing to do with the same. The investigations, however, have revealed that the petitioner is a partner of M/s Krishna Medical Agency, Ludhiana and under that garb, is running illegal business of sale of intoxicating tablets and capsules. It has also been revealed in the investigations that even being partner of the medical store, he was neither authorised to keep such huge stock nor was authorised to transfer or to sell such intoxicating tablets and capsules.

10. Even enquiry into the application of mother of the petitioner which she had preferred to the Director General of Police, Punjab against arrest of her son Anil Kumar (non-petitioner and co-accused) has concluded that the petitioner and his brother are the real accused and allegations by their mother that co-accused Anil Kumar (non-petitioner), brother of the petitioner, was lifted from his house at Panipat by the Punjab Police, are false.

11. Keeping in view the totality of facts and circumstances, no ground for concession of anticipatory bail is made out in favour of the Yag Dutt 2014.02.05 10:32 I attest to the accuracy and integrity of this document CRM-M-41872 of 2013 -4- petitioner and the petition, consequently, is dismissed.

12. Nothing observed hereinbefore shall have any bearing on the merits of the case. (Dr. Bharat Bhushan Parsoon) Judge February 4th , 2014 'Yag Dutt' Yag Dutt 2014.02.05 10:32 I attest to the accuracy and integrity of this document

