



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

103

CRM-M-5784-2025

Date of decision: 31.01.2025

Gursewak Singh @ Sewak

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Arora, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.247 dated 06.12.2024 under Sections 21(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Sections 25, 27 of the Arms Act, 1959, registered at Police Station Ajnala, District Amritsar Rural.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner and that too on the basis of a disclosure statement allegedly suffered by three co-accused, who were apprehended at the spot by the police. Learned counsel submits that the alleged recovery of 4.660 kgs of heroin along with firearm and ammunition was from the co-accused and not the petitioner; the disclosure statement on the basis of which the petitioner has been nominated has very weak evidentiary value, hence, on this ground the petitioner deserves the concession of anticipatory bail.



CRM-M-5784-2025

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. A perusal of the FIR which has been annexed as Annexure P-1 reveals that a car with five occupants was intercepted by the police during a routine patrol. The petitioner, who was allegedly driving the car on being signaled to stop, fled away under the cover of darkness. The three other occupants of the car were then nabbed and after due compliance of the mandatory provisions of the NDPS Act, a search was carried out leading to a huge recovery of 4.460 kgs of heroin along with .32 bore revolver and five live cartridges. Prima facie, it is evident that the petitioner was conscious of the contraband which was being transported in the car driven by none other than him. Moreover, soon after the other three co-accused were apprehended by the police, they categorically named the petitioner as being the person, who had fled away from the spot.

5. In the circumstances as enumerated hereinabove coupled with the huge recovery of heroin effected, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

6. 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.

31.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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