

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

**CRM-M-12429 of 2015
Date of decision : 07.07.2015**

Gurdas Singh @ Harbans Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.P.K.S.Phoolka, Advocate
for the petitioner.

Mr. Jashanpreet, AAG, Punjab.

DARSHAN SINGH,J(Oral)

1. The present petition has been filed by petitioner Gurdas Singh @ Harbans Singh under Section 438 Cr.P.C for grant of the anticipatory bail in case FIR No. 33 dated 23.03.2015, under Sections 15 of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station Nathana, District Bathinda.

2. On 22.04.2015, the following order was passed:-

“Learned counsel for the petitioner pleads that as per the prosecution allegations the petitioner had ran away from the spot on the motorcycle. The place of recovery is the embankment of the minor canal. The story regarding running away of the petitioner is not probable. He further contended

that even as per the allegations of the prosecution he was just standing near the back and was not in conscious possession of the contraband. The recovery has already been effected from the co-accused. Applicant is ready to join the investigation.

Notice of motion for 07.07.2015.

In the meantime, in the event of arrest of the petitioner, he will be admitted to the interim anticipatory bail on furnishing bail bonds to the satisfaction of the Arresting Officer on the conditions that she will join the investigation as and when required by the Investigating Officer; that he will not directly or indirectly tamper with the prosecution evidence and that he will not leave India without the prior permission of the Court.”

3. Learned State counsel on the instructions of ASI Nachattar Singh, Police Station Nathana states that the petitioner has already joined the investigation, but the motorcycle on which he fled away from the spot is to be recovered.

4. Admittedly, the contraband was not recovered from that motorcycle and was stated to be lying on the ground. So, the non-recovery of the said motorcycle is no ground to decline the concession of anticipatory bail to the present petitioner.

5. Consequently, the present petition is hereby

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allowed and the order of interim anticipatory bail dated 22.04.2015 is hereby made absolute subject to the conditions as provided under Section 438(2) Code of Criminal Procedure,1973.

07.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**