

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

***CRM No. M-13302 of 2015
Date of decision:01.05.2015***

Gurmahinder Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Jagjit Gill, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.75 dated 27.3.2015 under Sections 17, 27-A, 61, 85 of N.D.P.S Act, registered at Police Station, Kalanwali, District Sirsa.

Counsel would vehemently contend that no recovery has been effected from the present petitioner and it is a case of mistaken identity as Iqbal Singh from whom an alleged recovery of 1 kgs 50 gms opium had been made a statement that it is Binder resident of Waringkhera, District Muktsar from whom he had purchased the contraband.

Having heard learned counsel for the petitioner at length, this Court is of the considered view that the petitioner is not entitled to the concession of anticipatory bail.

Learned State counsel, who is being instructed by ASI Atma Ram has apprised the Court that Iqbal Singh was arrested on 27.3.2015 and it is upon his statement that the F.I.R had been registered in which he had

categorically stated that he had purchased the contraband from Binder resident of Waringkhera, District Muktsar. State counsel would submit that Binder resident of Waringkhera is the same person as the petitioner who is otherwise known as Gurmahinder Singh@ Binder resident of Waringkhera. It stands conceded that thereafter on 28.3.2015 Iqbal Singh had suffered two more disclosure statements in which there is some variance as regards the spot of purchase of the contraband. It has gone uncontroverted that in both these disclosure statements name of Binder resident of Waringkhera, District Muktsar has again been mentioned and rather in the third disclosure statement even parentage has been mentioned and which is the same as that of the present petitioner.

In the light of the serious allegations custodial interrogation of the present petitioner may be warranted.

This Court does not find any infirmity in the order dated 18.4.2015, passed by learned Additional Sessions Judge, Sirsa declining concession of pre-arrest bail to the petitioner.

Petition is, accordingly, dismissed.

01.05.2015

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**(TEJINDER SINGH DHINDSA)
JUDGE**