

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-1723 of 2015

DATE OF DECISION: 09.02.2015

Gurjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspaper may be allowed to see judgment?**
- 2. To be referred to reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present:- Ms. Gurvir Kaur Gill, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No. 109 dated 28.5.2014 registered under Section 22 of the NDPS Act at Police Station Guruharsahai, District Ferozepur.

Learned counsel for the petitioner contends that the recovery was effected from the pocket of the co-accused and the petitioner has been implicated in this case being driver of the car. Learned counsel further contends that conscious possession of the petitioner has not been proved and he is entitled for anticipatory bail.

Learned counsel for the respondent-State submits that after

seeing the police party, the petitioner ran away from the spot and the car belongs to him only.

Admittedly, the recovery has been effected from co-accused but petitioner was driving the car and after seeing the police party, he ran away from the spot. The conduct of the petitioner has to be seen as to whether he was aware that the co-accused was having contraband in his pocket or not. The allegations in the FIR are matter of evidence, which is to be examined during trial and investigation is in progress. Accordingly, keeping in view the seriousness of the offence, no ground is made out to grant anticipatory bail to the petitioner. The petition being devoid of any merit is hereby dismissed.

February 09, 2015
pooja

(DAYA CHAUDHARY)
JUDGE