

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**Crl. Misc. No.M-1939 of 2015
Date of Decision: 16th February, 2015**

Gurpreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: Hon'ble Mrs. Justice Daya Chaudhary

1. Whether reporters of local newspapers 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: Mr. Sumeet Puri, Advocate
for the petitioner.

Mr. T.N. Sarup, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.(Oral)

The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case F.I.R No. 112 dated 30.10.2014, registered under Sections 15, 25, 60, 61, 85 of NDPS Act, at Police Station Boha, District Mansa.

Learned counsel for the petitioner submits that the petitioner was not present at the place of occurrence and he has falsely been implicated in this case. Learned counsel also submits that the police was not aware about the name of the petitioner where as he was named in the FIR.

As per allegations in the FIR, one person was sitting on the conductor seat and the other was sitting on the back seat of the car and

they were apprehended at the spot. The petitioner was shown to be driving the car where as the petitioner was neither owner nor employee of the owner of the car nor he was aware as to what was kept on the back seat of the car. The petitioner has been shown to have run away from the place of occurrence and there is no connecting evidence to involve the present petitioner.

Learned State counsel submits that the name of the petitioner was disclosed by the other persons and that has come in the enquiry as well. Learned counsel also submits that the petitioner remained successful in escaping from the place of occurrence and thereafter also, he has not joined the investigation and one person was apprehended at the spot. Learned State counsel also submits that a duly attested photograph of the petitioner and a receipt was recovered from the car.

After hearing arguments of learned counsel for the parties, it appears that the petitioner has been implicated in this case only on the basis of attested photograph and the receipt which is in the name of co-accused. It is a matter of evidence and investigation is in progress and the question that requires consideration is that how the petitioner has been connected with the present case when he had run away from the place of occurrence as per the allegations mentioned in the FIR. The allegations mentioned in the FIR is a matter of evidence which is to be seen at the time of trial and nothing can be said at this stage. The alleged recovery of 151 kgs. Of poppy husk is commercial in nature. As to how the petitioner and other co-accused have been connected with the said recovery, is also to be verified from the evidence collected in the investigation.

Keeping in view the allegations and recovery of 151 kgs. of poppy husk which is commercial quantity, no ground is made out to grant anticipatory bail to the petitioner and the present petition is hereby dismissed.

However, in case, the petitioner surrenders before the trial Court and moves an application for regular bail, the trial Court is directed to decide the same within a period of 02 weeks from the date of filing of the application for regular bail as per law.

16.02.2015
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(DAYA CHAUDHARY)
JUDGE