

In the High Court of Punjab and Haryana at Chandigarh

CRM M-23049 of 2015
Date of Decision: July 20, 2015

Makhan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Sanjay Gupta, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 13 dated 25.01.2015, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Meharban, District Ludhiana.

Learned counsel for the petitioner contends that FIR in question has been registered on the basis of secret information. The petitioner was not found at the alleged place and no recovery has been effected from him. Learned counsel further contends that there is party faction. FIR No. 2 has been registered against the petitioner in the year 2008 in which he was acquitted on 18.10.2012. Another case has been fastened after two years of the alleged incident.

I have considered the contentions raised by learned counsel for the petitioner and perused the record.

This is a second bail petition. Earlier the petitioner had filed anticipatory bail petition i.e. CRM M-9375 of 2015 in which Mr. S.P.S. Sidhu, Advocate had appeared. Said petition, after arguing for some time, had been dismissed as withdrawn vide order dated 23.03.2015. Apparently, the said petition was dismissed as withdrawn because this Court might not be inclined to grant anticipatory bail. Now, the present petition has been filed allegedly with change of counsel. There are now no changed circumstances. With the change of counsel, no relief can be granted. Moreover, the name of the petitioner figures in a case of narcotics where the involvement of contrabands is to the effect of 210 kgs. of poppy husk. Keeping in view the prevailing situation in the State of Punjab, in such like cases, custodial interrogation is necessary.

In view of this, no ground for anticipatory bail is made out.

Dismissed.

July 20, 2015
vkd

[Paramjeet Singh]
Judge