

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM No.M-23970 of 2015

Date of Decision:- 27.08.2015

Om Parkash @ Oma

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. D.R. Punia, Advocate,  
for the petitioner.

Mr. Arshdeep Singh Kler, Additional Advocate General,  
Punjab, for the State.

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**SHEKHER DHAWAN, J.**

Petitioner applied for pre-arrest bail under Section 438 Cr.P.C.  
in a case bearing FIR No.114 dated 29.05.2015, under Section 22/61/85 of  
NDPS Act, registered at Police Station Phillaur, District Jalandhar.

Prosecution case that on 29.05.2015 petitioner was going on  
motorcycle and on suspicion he was instructed to stop the motorcycle. On  
seeing the police party, the petitioner tried to run away. ASI made efforts  
to catch hold of petitioner with the help of supporting team and during that  
process polythene packet fell on the ground, which found to be containing  
117 grams of intoxicant powder. Two samples of 5 grams each, were  
separated from the same.

Learned counsel for the petitioner took the plea that the petitioner has been falsely implicated in this case, whereas no recovery was effected from him. He is ready to join the investigation and actually joined the investigation. So, he be released on anticipatory bail.

Learned State counsel opposed the bail application on the ground that the petitioner fled away from the spot on motorcycle and motorcycle is yet to be recovered. Petitioner has not cooperated during the investigation proceedings, as per order of this Court and no case is made out for release of bail and his custodial interrogation is required.

Having considered the submissions made by learned counsel for the parties and the fact that the presence of petitioner is required in this case and no case is made out for pre-arrest bail. Therefore, the application for anticipatory bail stands dismissed.

August 27, 2015  
naresh.k

( **SHEKHER DHAWAN** )  
JUDGE