

205

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

CRM-M-27760 of 2015

Date of decision: October 06, 2015

Nirmal Singh @ Nima

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Prashant Vashisth, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG Punjab.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.128 dated 03.06.2015, under Sections 22 of Narcotic Drugs and Psychotropic Substance Act, 1985 ('Act' for short), registered at Police Station Phillaur, Jalandhar.

As per the prosecution case, on 03.06.2015, Assistant Sub Inspector Sulakhan Singh had noticed two persons travelling on a motorcycle. When the motorcycle was asked to stop, the person who was driving the motorcycle threw a glazed paper from his pocket. The pillion rider was apprehended and he disclosed his name as Kulwinder Singh alias Sonu son of Harbhajan Singh. Petitioner however, managed to flee from the spot and his name was disclosed by his co-accused Kulwinder Singh alias Sonu. On search of Kulwinder Singh, 55 grams of intoxicant powder was

recovered, whereas, from the glazed paper thrown by the petitioner, 50 grams of intoxicant powder was recovered.

Learned counsel for the petitioner has submitted that the petitioner was not apprehended at the spot and has been falsely involved in this case. At the time of issuance of notice of motion, learned counsel had also submitted that the petitioner is not involved in any other case under the Act.

Learned State counsel who is assisted by Head Constable Charanjit Singh has submitted that, although, petitioner has joined investigation but he was not co-operating with the investigating agency. Petitioner had been convicted and sentenced in a case registered against him under Section 22 of the Act.

Since the petitioner has been duly named by his co-accused and from glazed paper thrown by the petitioner, at the spot, 50 grams of intoxicant powder was recovered and also the fact that petitioner has already been been convicted and sentenced in a case under the Act, no ground for grant of anticipatory bail to the petitioner, is made out.

Dismissed.

(SABINA)
JUDGE

October 06, 2015
mahavir