

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-27809-2015

Date of decision: September 29, 2015

Kamaljeet Singh @ Tungla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.S. Barnala, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. Advocate General, Punjab.

Rajan Gupta, J.(oral)

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 15/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Badni Kalan, District Moga, vide FIR No.57 dated 8.6.2015.

Learned counsel for the petitioner submits that petitioner was not apprehended at the spot. He has been arraigned as accused merely on the basis of disclosure statement of co-accused.

Learned State counsel (on instructions from Head Constable Gurmeet Singh, who is present in court) has opposed the prayer. According to him, petitioner was identified by two police officials, one of whom made statement under section 161 Cr.P.C.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

On 1.11.2012, police received secret information that accused were in possession of contraband and were looking for customers to sell the

same. A raid was conducted. Five bags containing 20 Kgs. poppy husk each and one bag containing 10 Kgs. poppy husk were recovered. Petitioner is stated to have fled from the spot. He was identified by Inspector Satpal and ASI Paramjit Singh. Keeping in view the quantity of contraband involved, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail.

Dismissed.

(RAJAN GUPTA)
JUDGE

September 29, 2015
'Rajpal'