

In the High Court of Punjab and Haryana at Chandigarh

CRM No. M-2873 of 2015
Date of decision: 28.01.2015

Kulwinder Singh @ Kinda

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.P.S.Ahluwalia, Advocate
for the petitioner.

SABINA, J.

This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.414 dated 30.12.2014 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('the Act' for short) registered at Police Station Tripuri Town, Patiala.

As per the prosecution case, petitioner was travelling on a motorcycle along with his co-accused-Jaspal Singh. When the motorcycle was signalled to stop by the police party, petitioner managed to escape, however, his co-accused-Jaspal Singh was apprehended at the spot and 22 kilograms of poppy husk was recovered from the bag carried by him. The name of the petitioner was disclosed by Jaspal Singh to the police party.

Learned counsel for the petitioner has submitted that the

petitioner was not apprehended at the spot and had been falsely involved in this case on the basis of statement of his co-accused. Petitioner was not involved in any other case under the Act. The village Panchayat had passed Resolution (Annexure P2) that the petitioner was innocent and, in fact, was present in the departmental store where he was working at the time of the occurrence. The villagers had also held protest qua false implication of the petitioner. In this regard, learned counsel has placed reliance on Annexure P3.

In the present case, the name of the petitioner was disclosed by his co-accused -Jaspal Singh, who was apprehended at the spot. Although, the petitioner had managed to escape but keeping in view the seriousness of the allegations levelled against the petitioner, no ground for grant of anticipatory bail to the petitioner is made out. The evidentiary value of Annexures P2 and P3 would be seen during the course of trial, if led in evidence. Petitioner might be required for custodial interrogation. No ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

**(SABINA)
JUDGE**

January 28,2015
arya