

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

**Crl. Misc. No.M-30832 of 2014
Date of decision : 18.08.2015**

Jasvir Singh @ Seera

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. N.P.S. Mann, Advocate
for the petitioner.

Mr. V.P.S. Sldhu, AAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking anticipatory bail in FIR No.66 dated 11.03.2014, registered under Section 15 of NDPS Act, Police Station Dharam Kot, District Moga.

The brief facts are that secret information was received by the police specifically with respect to the petitioner that he was coming in a private vehicle bearing registration no. PB-32-B-7707 and if he is apprehended then narcotic substance can be recovered. The police set up a picket and the car was seen coming. The police party signalled the driver to stop the car but the petitioner sped away. Thereafter, the accused got down and fled under the cover of darkness.

Counsel for the petitioner contends that the car is not owned by the petitioner and it is impossible that 7 bags of poppy husk weighing 38 kilograms each would be fit in the car and it is physically not possible. It was urged that the case of the prosecution is that photographs of petitioner were found in the car.

The State counsel has opposed the prayer and it has been urged that seven bags of poppy husk were found and on checking the car photographs of petitioner were found from the pocket of driver seat of the car and the photographs of the car show that the bags are loaded in the car and the car is owned by Lucky a relative of the petitioner. It was urged that the petitioner had managed to flee under the cover of darkness.

Considering the nature and gravity of the accusation, the protective cover of anticipatory bail can not be allowed. Section 438 Cr.P.C. is an extra ordinary remedy and protection can be granted only considering the material and the facts of a given case. The allegations against the petitioner are grave. Custodial interrogation is necessary. It would be difficult to carry out the investigation and it is necessary to curtail his freedom to enable the Investigators to proceed. No fetters can be placed upon the Investigators.

The petition is dismissed.

18.08.2015

sunil

(ANITA CHAUDHRY)
JUDGE