

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

CRM-M-33947-2015 (O&M)

Date of Decision: November 27, 2015

Kulwant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.J.S.Sandhu, Advocate
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

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1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Kulwant Singh, who has been booked for having committed the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in a case arising out of FIR No.155, dated 25.12.2012, registered at Police Station, City Rampura, District Bathinda.

Learned counsel contends that in a false and frivolous case the petitioner has been booked on account of a political pressure; the petitioner was not arrested from the spot; it was not possible for the petitioner to run away from the alleged spot of recovery in view of the presence of large number of people and the police party and that the witnesses so far produced by the prosecution have not been able to substantiate the fact that the petitioner had run away from the spot. He further submitted that the petitioner came to know regarding the registration of the case in the year 2015 only.

Learned counsel for the State, on instructions from ASI Balwant Singh, Police Station, City Rampura, District Bathinda, and after perusing the police file submits that during patrolling, the police party found that the petitioner with his co-accused Romi Kaur was removing the bags containing poppy husk from a Bolero Jeep. On seeing the police party the petitioner fled away from the spot, who was identified by the police party as Kulwant Singh, the petitioner. The co-accused, namely, Romi Kaur, was arrested from the spot and two quintals and one kilogram of poppy husk was recovered. During investigation, the co-accused Romi Kaur also disclosed that the second person present at the

spot was Kulwant Singh, the petitioner. He further points out that during examination-in-chief, the three prosecution witnesses examined have also stated regarding the presence of the petitioner at the spot.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

As per prosecution version, during patrolling the police party found that the petitioner along with his co-accused Romi Kaur was alighting the bags containing poppy husk from a Bolero jeep. On seeing the police party, the petitioner fled away from the spot. However, he was identified by the police officials. More than two quintals of poppy husk was recovered. The petitioner could not be arrested for approximately two years and six months of registration of the case.

In view of the serious nature of the allegations and the fact that the petitioner has been absconding for more than two years after registration of the case, it is not a fit case where the concession of bail can be extended to the petitioner.

Dismissed.

In view of the fact that the FIR was registered in the

year 2012 and the petitioner and his co-accused are behind the bars, therefore, it is directed that trial Court would expedite the trial.

November 27, 2015
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(NARESH KUMAR SANGHI)
JUDGE