

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

**Crl. Misc. No.M-37075 of 2014
Date of decision : 18.08.2015**

Gurcharan Singh @ Kunda @ Samman Singh @ Samma

.....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. Sidhu, AAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking anticipatory bail in FIR No.67 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 that Gurcharan Singh @ Kunda and his relative Lucky were standing behind village Indgarh and were waiting for customers to sell poppy husk and it was kept in a private vehicle bearing registration no. PB-10-AV-0888. The police party reached the spot at 8:30 AM and on seeking the police party both the persons ran away leaving the car and

motorcycle behind. Upon search, 8 bags of puppy husk were recovered from the car and 2 bags of poppy husk were recovered from the motorcycle weighing 38 kilograms each.

Counsel for the petitioner contends that the car is not owned by the petitioner and it is impossible that 8 bags of poppy husk weighing 38 kilograms each would fit in the car and it is physically not possible.

The State counsel has opposed the prayer and it has been urged that eight bags of poppy husk were found in the car and upon investigation it was found that the car had been purchased by co-accused Lucky.

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.

(ANITA CHAUDHRY)
JUDGE

18.08.2015
sunil