

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

CRM-M-40856-2014

Date of decision : 14.05.2015

Balwinder Singh

..... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vivek Suri, Advocate
for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

ANITA CHAUDHRY, J.

The petitioner is seeking anticipatory bail in FIR No.116 dated 22.04.2014, registered under Section 15 of NDPS Act at Police Station City Mandi Dabwali, District Sirsa.

As per allegations, the police party headed by SI Suraj Bhan was on night patrol on Chetak Road near Bikaner Hospital, City Mandi Dabwali when a Maruti car was seen coming from the side of Sangria Rajasthan. On seeing the police party, the driver attempted to reverse the car. The vehicle developed a snag. The driver and three other persons managed to run. The police party was able to nab the occupants of the car. The car was checked and it was found to contain two plastic bags in the boot of the car. Police started the investigation and questioned Manoj Kumar, the registered owner of the vehicle who disclosed that he had sold the vehicle to Balwinder Singh. The registered owner also supplied the copy of the affidavit. The call details of Balwinder

Singh were got checked which pointed out the location of the petitioner near the spot where the vehicle was spotted.

The petitioner approached the Additional Sessions Judge for anticipatory bail and raised the plea that he was not the owner and had sold the car on the same day to one Ajay Singh and had received full and final consideration and possession had been delivered to him. The police contacted Ajay Singh who denied the purchase. The Additional Sessions Judge has dismissed the bail application of the petitioner.

The counsel for the petitioner contends that recovery has been effected and the petitioner is not the owner of the vehicle and custodial interrogation is not necessary and the petitioner had already joined the investigation under the directions of this Court.

The State counsel submits that custodial interrogation is necessary as there are other accused who have to be apprehended and the call details show the position of the petitioner on the place of recovery and only a sustained interrogation will reveal the modus operandi and role of others and the source.

Considering the above, no case for anticipatory bail is made out.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

14.05.2015
Sunil