

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-41367-2014

Date of decision : 23.02.2015

Krishan alias Kinna alias Bhola Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.A.S.Sullar, Advocate
for the petitioner.

REKHA MITTAL, J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No.154 dated 17.09.2014 registered in Police Station Odhan, District Sirsa, Haryana for offence punishable under Sections 15 & 16 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the Act').

Counsel for the petitioner contends that the petitioner has no connection with scooter No.PB-04F-1084, Polo Car No.HR-25D-1270 and the house from where the alleged recovery of incriminating material has been effected. The petitioner has been falsely indicted in the crime. The alleged recovery has already been effected by the police. The custodial interrogation of the petitioner is not required. He has a clean record as no other case much less under the Act has been registered against him.

I have heard counsel for the petitioner and perused the records.

As per the allegations set up in the FIR, on 17.09.2014, the police party headed by ASI Dharamvir Singh was present at Ghukkanwali

canal bridge in government vehicle No.HR-57-2828 driven by Mahaveer Singh. Secret information was received that Krishan @ Kinna son of Nahar Singh @ Bholi resident of Ghukanwali is indulging in smuggling of poppy husk in nearby areas of village in car mark Polo black colour bearing No.HR-25D-1270, scooter Bajaj Chetak bearing No.PB-4F-1084 and if a raid is conducted at his house, poppy husk in huge quantity can be recovered. Black colour car bearing No.HR-25D-1270 came from the side of village Odhan and driver of the vehicle did not stop despite signal, accelerated the speed and took the car towards the village. The police party chased the vehicle but the driver after passing through the streets parked the car in front of a house and succeeded in fleeing through roofs of the houses. On search of the car, one white colour plastic bag containing poppy husk, one live cartridge 315 bore were recovered. One bag of poppy husk was recovered from Bajaj Chetak Scooter bearing No.PB-4F-1048. The room in front of which the car was parked was searched leading to recovery of 16 bags of poppy husk, one electronic weighing machine, one sewing machine and one red colour plastic drum containing 20 kgs. lahan. The bags recovered from the car and scooter weighed 19 kg. 800 grams and the remaining 16 bags weighed 39 kg. 800 grams each after drawing samples.

There was secret information received by the police in regard to the petitioner's indulging in smuggling of contraband by using two vehicles, one Polo car and a scooter. Huge recovery was effected from the house in front of which the car was parked by the person who succeeded in fleeing despite chase by the police party. In view of the allegations against the petitioner, the mere fact that the vehicles and the house are not owned by

him is not sufficient to allow him bail in anticipation of arrest. No such fact has been brought on record that the police party headed by ASI Dharamvir Singh or any other police officer/official had any ill will against the petitioner to implicate him falsely and plant a huge recovery. In this view of the matter, I do not think it to be a fit case wherein the petitioner deserves to be allowed benefit of bail in anticipation of arrest.

Dismissed.

(REKHA MITTAL)
JUDGE

February 23, 2015.

DK