

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

Criminal Misc.No.M-42680 of 2014

Date of Decision: January 20, 2015

Jagdish Singh @ Babbu and another

...Petitioners

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Satnam Singh Gill, Advocate,
for the petitioners.

Mr.Shilesh Gupta, Addl.AG, Punjab.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners, namely, Jagdish Singh @ Babbu and Sandeep Singh, who have 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.171, dated 29.09.2014, registered at Police Station, City Sunam, District Sangrur.

Learned counsel contends that the petitioners were neither arrested from the spot nor any recovery was effected from them. He further contends that on account of the biased attitude of the police, the petitioners have been booked in the present case; there is no evidence with the Investigating

Agency that the petitioners were the persons, who ran away from the spot and the petitioners are neither required nor involved in any other case.

Learned counsel for the State, on instructions from ASI Paramjit Singh, Police Station, Sunam, District Sangrur, very fairly concedes that at the time of recovery of the alleged poppy husk, the petitioners could not be identified by the police officers present at the spot and the petitioners are neither required nor involved in any other case. However, he opposed the grant of anticipatory bail to the petitioners on the premise that on 28.12.2014 the statement of one Kans Kaur, in terms of Section 161, Cr.P.C., was recorded in which she disclosed to the police that the car, from which the poppy husk was recovered, was purchased by her and later it was sold to Sandeep Singh (petitioner No.2).

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

The identity of the petitioners could not be established at the time of effecting the recovery. The statement suffered by Kans Kaur on 28.12.2014 appears to be doubtful since the affidavit by which the car from which the poppy husk was recovered was sold to petitioner No.2 was executed after

registration of the FIR. The sanctity of the secret information received by the Investigating Agency is also shrouded by mystery.

Without commenting much on the merits of the case, the present petition is allowed.

In the event of arrest of the petitioners, they shall be admitted to bail subject to their furnishing bail bonds to the satisfaction of the arresting officer.

The petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions as laid down under Section 438(2), Cr.P.C.

January 20, 2015
seema

(Naresh Kumar Sanghi)
Judge