

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-44095 of 2014

.....

Date of decision:2.2.2015

Shammi

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.200 dated 13.11.2014 registered for the offence under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Sunam, District Sangrur.

Notice of motion has been issued in this case.

Mr. S.S. Chandumajra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

As per the prosecution version, the present petitioner is stated to be motorcycle rider, who on seeing the Police party tried to turn back

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suddenly, but the motorcycle slipped and it fell down and a lady with plastic bag fell on the one side of the motorcycle, but the accused after taking advantage of the dark ran towards the railway track. It is stated that he was identified by HC Jagtar Singh as Shammi. The recovery from the lady i.e. co-accused is stated to be 10 Kgs. poppy husk, kept in the plastic bag.

Learned counsel for the petitioner argued that the accused-petitioner has been falsely implicated in this case as the identity of the accused has not been established.

Keeping in view the facts and circumstances of the present case and in view of the fact that the recovery has already been effected, which is a non-commercial quantity, the petitioner is not required for custodial interrogation. As he has already joined the investigation, therefore, no useful purpose will be served by sending the petitioner to custody.

Therefore, without discussing the facts in minute detail and without expressing any opinion on the merits of this case, this criminal miscellaneous petition is allowed and the interim order dated 24.12.2014 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 2, 2015.

(Inderjit Singh)
Judge

hsp