

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

**Criminal Misc. No. M- 5896 of 2015
Date of Decision: 2.3.2015**

Kulwant Ram

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. M.S.Virdi, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks anticipatory bail in FIR No.2 dated 2.1.2015 under Section 21/61/85 of the NDPS Act registered at Police Station Model Town, District Hoshiarpur.

Learned counsel for the petitioner submits that custodial interrogation of the petitioner is not required because the alleged recovery has already been effected from his co-accused. He further submits that the petitioner is ready to join the investigation, as and when he is required. He prays for allowing the present writ petition.

On the other hand, learned counsel for the State submits that the petitioner is not entitled for the concession of anticipatory bail, as the matter pertains to NDPS Act. He further submits that Adhaar Card as well as passport of the petitioner alongwith contraband has been recovered from the polythene bag thrown away

by the petitioner, while escaping from arrest at the spot. Co-accused of the petitioner was apprehended at the spot and 120 gms of intoxicated powder was recovered from him. He concluded by submitting that custodial interrogation of the petitioner is necessary, so as to conduct an effective investigation. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered view that the present one has not been found to be a fit case, for interference at the hands of this Court.

It is so said, because allegations are direct and serious. Adhaar card as well as passport of the petitioner have already been recovered by the investigating team from the polythene bag/envelope thrown by the petitioner at the spot, whereas the petitioner escaped from the spot.

Under the totality of facts and circumstances noticed hereinabove, present petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference is made out.

Resultant, instant petition stands dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

2.3.2015
AK Sharma