

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

**Crl. Misc. No.M-8354 of 2015  
Date of decision : 21.07.2015**

**Jasveer Singh @ Babbu**

**.....Petitioner(s)**

**Versus**

**State of Haryana**

**...Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY**

Present: Mr. G.S. Sidhu, Advocate  
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

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**ANITA CHAUDHRY, J(ORAL)**

The petitioner is seeking anticipatory bail in FIR No.7 dated 17.01.2015, registered under Section 21, 22-B, 61, 85 of NDPS Act at Police Station Badagudha, District Sirsa.

The prosecution case is that two boys were seen coming on a motorcycle carrying green coloured plastic bag which was kept between them. The police signalled them to stop. The motorcyclist reduced the speed and threw the plastic bag and fled. The police party chased them while rest of the team kept watch on the bag thrown on the ground. The driver of the official jeep namely EASI Mahaveer Singh disclosed that knew the pillion rider who had thrown

the plastic bag and he was Jasveer @ Babbu son of Bhajan Singh Bajigar, resident of Village Buppan. The riders managed to escape. The police party returned and the bag was checked and it was found to contain 106 bottles of Rexcof cough syrup.

Counsel for the petitioner contends that the petitioner had married Priyanka and it was a run away marriage and the uncle of the petitioner's wife is ASI with Haryana Police and posted at Police Station Badagudha and they are bent upon sending the petitioner behind bars and several cases have been registered against him. It was urged that no recovery is to be effected and he has joined the investigation and he would be available for trial and the interim order be made absolute.

The State counsel submits that the uncle of the petitioner's wife is not posted in Police Station Badagudha and number of cases had been registered against the petitioner and one case was registered against the petitioner even in 2008 and recovery of the motorcycle as well as the identity of the other person has to be found for which custodial interrogation is necessary.

The case under the NDPS Act has been registered. Number of cases have been registered against the petitioner. Some of which are pending while one of them had ended in acquittal. The State has confirmed that the petitioner has joined the investigation but he has not co-operated. The identity of the other person is crucial for taking the case to the logical end.

Section 438 Cr.P.C. is an extra ordinary remedy and protection can be granted only considering the material and the facts

of a given case. Custodial interrogation is necessary. Recovery of the motorcycle is to be effected. It would be difficult to carry out the investigation and it is necessary to curtail his freedom to enable the Investigators to proceed. No fetters can be placed upon the Investigators.

The petition is dismissed.

21.07.2015

sunil

**(ANITA CHAUDHRY)**  
**JUDGE**