

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-8856 of 2015

Date of decision : 01.05.2015

Jagtar Singh @ Tari

..... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Jagjit Gill, Advocate
for the petitioner**

Mr. Deepak K. Grewal, DAG Haryana

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 313 dated 22.10.2014 registered at Police Station Kallanwali, District Sirsa under Sections 15, 16, 61, 85 of NDPS Act.

Heard.

Learned counsel for the petitioner urges that the police had arrested Balkaran Singh @ Babbu and the allegation were that two persons ran away from the spot and according to the police, one of the person was the petitioner who was identified by Head Constable Sukhchain Singh. He further urges that the petitioner belongs to another village and has been falsely implicated and he has joined the investigation and the quantity is marginally over the commercial quantity.

Learned State counsel has opposed the bail application and submits that a case against petitioner had earlier been registered under NDPS Act in the same police station, therefore, Head Constable knew the petitioner. He further submits that the recovery is of commercial quantity and there is a bar under Section 37 of the NDPS Act and the discretion should not be given to the petitioner. The allegations against the

petitioner are that he was accompanying Balkaran Singh. The police official had signaled the car to stop. The persons who were coming in the car tried to turn and flee. The petitioner is said to have fled away from the spot. The petitioner was identified by Head Constable Sukhchain Singh. The recovery is of commercial quantity though marginally over the commercial quantity. Considering the bar contained under Section 37 of the NDPS Act, no ground to grant anticipatory bail is made. The petition is dismissed.

May 01, 2015

reena

**(ANITA CHAUDHRY)
JUDGE**