

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

***CRM No.M-10577 of 2016 (O&M)
Date of decision:29.03.2016***

Major Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. KPS Virk, Advocate for
Mr. K.S. Dhaliwal, Advocate for the petitioner.
...

TEJINDER SINGH DHINDSA, J.

This is the second petition preferred by the petitioner under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.176 dated 04.11.2015, under Sections 15/61/85 of the NDPS Act,1985, registered at Police Station Guhla, District Kaithal.

Counsel for the petitioner has been heard at length.

The petitioner had earlier preferred CRM No.M-42774 of 2015 seeking concession of pre-arrest bail. While dismissing such petition and declining the concession of anticipatory bail, this Court on 07.01.2016 had noticed that a raid had been conducted and whereupon one Sukhdev Singh @ Sukha was apprehended on the spot and seven white plastic bags total weighing 119 kilograms of poppy husk were recovered. Even though present petitioner was stated to have escaped from the spot, yet concession of pre-arrest bail was declined by noticing contention raised by learned State counsel that during the course of investigation, statement of land owner Pargat Singh had been recorded and in which he had stated that the land in question from where the alleged recovery was effected had been given to the present petitioner on lease.

The present petition and the prayer made herein is sought to be substantiated in the light of an affidavit dated 03.03.2016 at Annexure P-2 of Pargat Singh and in which it has been deposed that the land had been leased out not to the present petitioner but to one Sukha Singh S/o Nidhan Singh.

Be that as it may, counsel for the petitioner inspite of a specific query having been put in this regard does not dispute that in the statement recorded of Pargat Singh under Section 161 Cr.P.C., he had named the present petitioner to whom the land had been given on lease.

Under such circumstances, this Court is not inclined to entertain the second petition filed under Section 438 Cr.P.C.

Petition is dismissed.

29.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**