

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

CRM-M No.17414 of 2016
Date of decision: 11th August, 2016

Jagbir @ Sonu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

Allegations against the petitioner Jagbir @ Sonu in this regular bail application under Section 439 Cr.P.C. are that on 29.11.2013 on the basis of a secret information a raid was conducted by the police and out of the two suspects one was apprehended at the spot who disclosed his name as Subeg Singh and the other one managed to escape who was identified as the present petitioner. From the vehicle Trola 56 plastic bags containing 38 kg of poppy husk each, totalling to 2128 kg of poppy husk was recovered. The petitioner was declared proclaimed offender on 18.03.2014 and subsequently arrested on 10.02.2016.

Contentions of learned counsel for the petitioner that the petitioner was never apprehended at the spot and has sought to raise

doubts over conscious possession of the contraband qua the petitioner arguing that earlier the petitioner was declared as innocent in the investigations and has been falsely implicated.

The bail application has been opposed by the State contending that a commercial quantity of contraband has been recovered and the petitioner was identified at the spot and thus, it is only a matter of evidence connecting the petitioner with the commission of offence.

Appreciating the submissions, apparently the petitioner happens to be the son of the accused Subeg Singh who was apprehended at the spot. Commercial quantity of contraband has been recovered. The plea that the petitioner was initially found innocent during investigations and its subsequent reversal are matters of appreciation by the trial Court. In view of the quantity of contraband recovered and the heinousness of offence does not calls for grant of bail.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

August 11, 2016

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No