

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

CRM-M-20560 of 2016

Date of Decision: July 22, 2016

Gurpreet Singh

Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner-Gurpreet Singh in this regular bail application are that on 30.10.2014, Police party from Police Station, Boha, Mansa accosted car bearing No.PB-11-BN-2138 make Optra and was signalled to stop and that the driver tried to run away and the car struck against an object but the driver managed to escape, whereas, two occupants were apprehended leading to the recovery of 05 plastic gunny bags containing poppy husk, all weighing 150 Kgs, a commercial quantity.

Learned counsel for the petitioner contended that the petitioner was never named in the FIR and that it was belatedly on the disclosure statement of the co-accused has been named and that nothing has been recovered from his possession.

The bail is opposed by the learned State counsel on the grounds that the name of the petitioner is well mentioned in the FIR and that he has already been identified by the Police officials who ran after him and that the commercial quantity has been recovered.

The name of the petitioner very well figures in the FIR and the fact that the car is in the name of the petitioner which is a strong element in favour of the prosecution, the conscious possession of the contraband by the petitioner along with his co-accused are matters which can be adjudicated at the time of trial. In view of the commercial nature of the recovery and the fact that stern punishment has been prescribed for such a heinous offence impels this Court to dismiss the above said regular bail application.

Ordered accordingly.

(FATEH DEEP SINGH)
JUDGE

July 22, 2016
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