

Sr. No. 203

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

**CRM No. M-22040 of 2015 (O&M)
Date of Decision: 10.05.2016**

Soni Singh @ Soni

...Petitioner

Versus

State of Punjab and another

... Respondents

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

Present:- Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.104 dated 11.06.2015, under Section 15/61/85 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Sadar Samana, District Patiala.

On 11.02.2016, the following order was passed by this Court:-

“Petitioner seeks concession of anticipatory bail in case FIR No.104 dated 11.06.2015, under Sections 15/61/85 of the NDPS Act, registered at Police Station Samana, District Patiala.

As per prosecution version, an Innova vehicle was intercepted by the police party and two occupants fled away from the spot. Alleged recovery from the vehicle is of five bags of poppy husk weighing 20 kgs each.

The owner of the vehicle in question is stated to be co-accused, Mandeep Singh. Mandeep Singh has already been granted concession of anticipatory bail by this Court.

Prayer for concession of pre-arrest bail to the present petitioner is opposed by the learned State counsel by submitting that he is involved in another case under the NDPS Act. It is, however, conceded that in the other case, the alleged recovery of contraband was non-commercial in nature and the petitioner is already on bail.

In the present case, petitioner was not apprehended on the spot and rather allegations are that he had fled away. As such, there was no recovery effected from the present petitioner. Co-accused has already been granted concession of anticipatory bail.

List on 10.05.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Simarjit

Singh would apprise the Court that the petitioner has since joined investigation.

Accordingly, the present petition is allowed. Order dated 11.02.2016, passed by this Court, is made absolute.

Disposed of.

10.05.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**