

**Sr. No. 215
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-40 of 2016
Date of Decision: 29.01.2016**

Chhinder Pal @ Chhindi and another

...Petitioners

Versus

State of Punjab

... Respondent

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

Present:- Mr. R.P.Dhir, Advocate,
for the petitioners.

Ms. Manpreet Dhaliwal, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioners seek concession of pre-arrest bail in case FIR No.201 dated 18.09.2015, under Sections 15-18-61-85 of Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Laddowal, District Ludhiana.

As per prosecution version, secret information having been received, a vehicle was intercepted and in which Charanjit Singh and Sandeep were apprehended on the spot and an alleged recovery of 98 Kgs of poppy husk was effected. Allegations are that two other persons managed to escape from the spot.

The present petitioners are sought to be implicated on the disclosure statement suffered by the co-accused who were apprehended on the spot.

Learned State counsel would oppose the present petition by stating that vehicle in question was in the ownership of petitioner

No 2 Jagtar Chand @ Tara.

The alleged recovery of poppy husk would otherwise fall under non-commercial quantity.

The petitioners were not apprehended on the spot. Even though there were two other cases against petitioner No.1 under the NDPS Act but he has since been acquitted in both of them. There are no other cases pending under the NDPS Act qua petitioner No.2.

Under such circumstances, petitioners are held entitled to the concession of anticipatory bail.

Petitioners are directed to appear before Investigating Officer and to join investigation.

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

- i) *That they shall make themselves available for interrogation by a police officer as and when required;*
- ii) *That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;*
- iii) *That they shall not leave India without the previous permission of the Court.*

Petition is disposed of.

29.01.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**