

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

CRM-M No.43658 of 2015

Date of Decision:-07.04.2016

Sukhdarshan Singh @ Sukha.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. L.S. Sekhon, Advocate for the Petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
assisted by ASI Harmeet Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner-Sukhdarshan Singh @ Sukha in case FIR No.114 dated 25.11.2015 for offences punishable under Sections 22/61/85 of the NDPS Act, registered with Police Station Lehra, District Sangrur.

On 25.11.2015 at around 4.35 pm a Hero Honda motor cycle was intercepted being driven by the present petitioner-accused and the co-accused Naib Singh holding a plastic bag was the pillion rider. The present petitioner is alleged to have fled away while the co-accused was apprehended and a recovery of four bottles of Rexcof Cough Syrup and 300 tablets of Carisoma were recovered from the polythene bag.

It is contended that the petitioner was not apprehended at the spot and even the alleged recovery is non commercial in nature and, therefore, does not attract the bar under Section 37 of the NDPS Act.

Learned Counsel for the petitioner submits that pursuant to the interim order passed by this court petitioner has joined the investigation and cooperated with, apart from the fact that the co-accused has since been granted regular bail.

Learned State counsel assisted by ASI Harmeet Singh has filed reply and based on reply he does not refute the fact that the seized quantity is non commercial in nature and also that petitioner has joined the investigation and is no longer required for custodial interrogation.

In view of the above, interim protection/pre-arrest bail granted vide order dated 23rd of December, 2015 is made absolute.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

April 07, 2016
Vinay