

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

**CRM-M-5919 of 2016
Date of Decision: May 16, 2016**

Joginder Singh @ Binder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

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

FATEH DEEP SINGH, J.

The allegations against the petitioner-Joginder Singh @ Binder Singh in this regular bail application under Section 439 Cr.P.C. are that on 2.6.2013 Police party headed by Raghbir Singh was present in the area of bridge of Janta Nagar when they accosted a Maruti car bearing No.PB-10-AK-0203 in which there were two occupants, who on seeing the police party ran away and were identified by the HC Shamsher Singh to be the present petitioner and his co-accused. On search of the car five bags each containing 30 kg of poppy husk were recovered.

The bail application is opposed by the State on the grounds that being a commercial quantity and that the appellant has been identified at the spot which arguments are sought to be refuted by learned counsel for the petitioner submitting that the similarly placed co-accused Kikkar Singh was allowed bail vide order dated 4.2.2016 and that the petitioner is in custody since long time.

Appreciating the submissions the mere averments that the petitioner was never apprehended at the spot and that there is no basis for identification are matters which can be sufficiently gone into at the time of trial. Since the name of the petitioner finds mentioned in the FIR as one of the occupants, who has managed to escape and in view of the fact that commercial quantity of contraband has been recovered impels this Court to dismiss the present application.

It would not be out of place to remark here that after dismissal of bail application of the present petitioner earlier by this Court on 7.8.2015 the co-accused had filed bail application through the same very counsel by suppressing this fact and subsequently procured orders of bail which the office knowingly or unknowingly had not taken notice of.

(FATEH DEEP SINGH)
JUDGE

May 16, 2016
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