

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-8760 of 2016 (O&M)

Date of Decision: 21.3.2016

Kuljit Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. S.P. Soi, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Present petition has been filed under Section 438 Cr.P.C seeking concession of anticipatory bail to the petitioner in case F.I.R. No.86 dated 19.7.2013 under sections 15, 61, 85 of N.D.P.S Act, registered at Police Station, Mehatpur, District Jalandhar.

Case of the prosecution is that an alleged recovery of 630 kgs of poppy husk was effected from a vehicle.

The present petitioner is sought to be implicated on the basis that he is the owner of the vehicle.

It is the contention raised by counsel that mere ownership of the vehicle would not be sufficient to deny to the petitioner the concession of anticipatory bail. Counsel has also placed reliance upon an order dated 16.7.2015, passed by this Court in CRM No. M-21882 of 2015 and which as per counsel would support the prayer made in the present petition as in that case also the petitioner therein namely Jaz Singh had been granted concession of pre-arrest bail, even though, he was owner of the offending vehicle.

Having heard learned counsel for the petitioner at length, this Court is not inclined to extend to the petitioner the concession of

anticipatory bail.

The recovery in question is commercial in nature. That apart, the petitioner had earlier preferred CRM No. M-44392 of 2014 and which was dismissed as withdrawn on the prayer made by counsel on 27.2.2015.

At that stage no liberty was sought to file a petition afresh on any ground whatsoever.

This is the second petition filed under section 438 Cr.P.C before this Court and that too after a period of more than one year. Petitioner has been evading the process of law and has not joined investigation all this while.

By his conduct, petitioner is disentitled to the concession of pre-arrest bail.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

21.3.2016

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