

**Sr. No. 115
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-9271 of 2016 (O&M)

Date of Decision: 16.03.2016

Sukhdev Singh @ Teetu

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Fariad Singh Virk, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA. J (ORAL)

Present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.396 dated 28.12.2015, under Section 18 of Narcotic Drugs and Psychotropic Substances Act 1985, (for short 'NDPS Act'), registered at Police Station Ambala City, District Ambala, Haryana.

Counsel for the petitioner would argue that it is a case of false implication. Counsel contends that raid had been conducted on the basis of secret information and as per prosecution version a recovery of 26 Kgs. of opium is stated to have been effected from a residential house and the present petitioner is stated to have fled away from the spot. Arguments raised is that once secret information has been received and a raid is conducted, the prosecution version itself is not probable that a person has managed to escape from the clutches of such raiding party.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is not inclined to

extend concession of pre-arrest bail to the petitioner.

During the course of arguments, it has gone uncontroverted that the house upon which raid was conducted, possession of the same was delivered to the wife of the petitioner in pursuance to an agreement to sell dated 02.01.2013. Even the electricity connection of such residential premises was in the name of the wife of the petitioner. The recovery effected from such residential house is of a huge quantity of 26 kgs. of opium.

It may also be noticed that several family members of the petitioner are also stated to be involved in case under the NDPS Act. Such indication is coming forth from the order dated 06.02.2016 passed by the learned Special Judge, Ambala declining the concession of anticipatory bail to the petitioner. In such order it has been noticed that Manjit younger brother of the petitioner is already in custody in a case relating to recovery of opium, sister of the petitioner, namely, Sweety is already a convict pertaining to a case under the NDPS Act. Even father of the petitioner is involved in FIR No.286 dated 21.09.2015 under Section 18 of the NDPS Act and in which an alleged recovery of 01 kg and 50 grams of opium had been effected.

In view of the above, prayer seeking pre-arrest bail to the petitioner is declined.

Petition dismissed.

16.03.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE