

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

- 1. Crl. Misc. No.M-17271 of 2017 (O&M)
 Date of Decision: August 24, 2017**

Salinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab

...RESPONDENT(s).

- 2. Crl. Misc. No. M-23145 of 2017 (O&M)**

Satish

.....PETITIONER(s).

VERSUS

State of Punjab

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Satnam Singh Gill, Advocate
 for the petitioner in CRM-M-17271-2017.

Mr. Raman Chawla, Advocate
for the petitioner in CRM-M-23145-2017

Ms. Rajni Gupta, Senior D.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

Both the above mentioned petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No. 251 dated 10.12.2016 registered for the offences punishable under Sections 15, 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Patran, District Patiala.

Heard.

Learned State counsel on instructions from HC Balwant Singh submits that after completion of investigation, the police has presented the challan in this case against both the petitioners and co-accused Mandeep

Singh.

The recovery of 64 Kgs of Poppy husk was allegedly effected from the car and Mandeep Singh, who was in the car at that time, was arrested at the spot. The allegations against the petitioners are that they on witnessing the police party, ran away from the spot. They have been nominated in this case on the disclosure statement of co-accused Mandeep Singh. It will be a point for consideration in the trial Court as to whether the identity of the petitioners and their conscious possession over the contraband is proved from the evidence led by the prosecution.

Keeping in view the above facts but without expressing any opinion on the merits of the case, these petitions are allowed and the order dated 16.05.2017 passed in CRM-M-17271-2017 and order dated 04.07.2017 passed in CRM-M-23145-2017 are made absolute, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

August 24 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No