

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-22452 of 2017
Date of Decision: 11.07.2017

Lakhwinder Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Gurinder Singh Goraya, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 112 dated 06.06.2017 registered for offences punishable under Sections 15 of Narcotic Drugs and Psychotropic Substances Act, 1985; 332, 353, 186, 148, 506 read with Section 149 of Indian Penal Code (for short, "IPC"); and 25 of the Arms Act, at Police Station Cheeka, District Kaithal.

Heard.

As per case of prosecution, the petitioner was apprehended carrying a polythene bag in his hand. When the police party tried to take his search he raised *rolla* and number of persons collected at the spot including one Harchet Singh, who was armed with knife. In the scuffle, the polythene bag got torn and some poppy-husk scattered at the spot. The petitioner succeeded in running away from the spot and in the process the polythene bag carried by the petitioner fell on the ground, which was found containing

1 kg. 400 gms. of poppy-husk.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The recovery of poppy-husk is also of non-commercial quantity.

Learned State counsel submits that the petitioner has not only obstructed the police party to perform its duty but has also succeeded in running away from the spot, as such, he is not entitled to the benefit of grant of anticipatory bail.

Keeping in view the fact that the police party, which has nabbed the petitioner, was attacked and the petitioner succeeded in running away from the spot, I do not find it to be a fit case to extend the benefit of grant of anticipatory bail to petitioner.

The instant petition has no merit and the same is dismissed.

July 11, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No