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

CRM-M No.3532 of 2017

Date of Decision: 18.03.2017

Parshotam

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Satwinder Kaur, Advocate for
Mr. Kaushal Deep S. Sandhu, Advocate
for the petitioner.

Mr. Shilesh Gupta, Additional A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

On 03.02.2017, following order was passed:-

“Learned counsel for the petitioner contends that petitioner has been implicated solely on the basis of disclosure statement made by the co-accused. The FIR was registered on the basis of secret information that heavy quantity of contraband was kept by the accused in a cremation ground. The recovery effected from co-accused is only 40 Kgs of poppy husk which cannot be termed as commercial quantity. There is no other case against the petitioner of the like

nature.

Notice of motion for 18.03.2017.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 13.02.2017 and in the event of his arrest, he shall be enlarged on ad interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Phool Rai contended that 40 kgs. of poppy husk was recovered from the cremation ground when co-accused Sukhwinder Singh was apprehended on the basis of secret information. Said Sukhwinder Singh made a disclosure statement involving the petitioner and his vehicle to the effect that he along with petitioner infact brought 80 kgs. of poppy husk from village Jhingra and the remaining bulk of 40 kgs. has been kept concealed in the village.

Pursuant to the aforesaid disclosure statement, remaining bulk of 40 kgs. of poppy husk was recovered from the co-accused Sukhwinder Singh.

Petitioner is sought to be arrested on the basis of aforesaid disclosure statement of Sukhwinder Singh.

In view of above, I deem it appropriate to make the order dated 03.02.2017 as absolute.

Ordered accordingly.

However, petitioner shall keep on appearing before the Investigating Officer as and when called to do so and he shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

March 18, 2017

jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No