

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

**Criminal Misc. No. M-39984 of 2017 (O&M)
Date of Decision: October 26 , 2017**

Jasvir Singh @ Gaggu and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pardeep Singh Mirpur, Advocate
for the petitioner (s).

Mr. C.L.Pawar, Sr. D.A.G. Punjab.

SURINDER GUPTA, J.

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No. 41 dated 09.03.2017 registered for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act at Police Station Talwandi Sabo, District Bathinda.

Heard.

Present FIR was registered on the basis of secret information that petitioners were carrying poppy husk. After sending a *Ruka* for registration for FIR, a *Naka* was held. Both the petitioners, who were coming on motor cycle, were signalled to stop but after throwing plastic bag of 10 Kg. poppy husk, they ran away from the spot, leaving the motor cycle.

Both of them were identified by Head Constable Randhir Singh.

Learned counsel for the petitioners submits that the story propounded by the police is false. The police party was present at the spot to apprehend the petitioners as per the secret information and it was not possible for the petitioners to run away from the spot after throwing the contraband and leaving the motor cycle.

As per the prosecution version, the police party after sending ruqa reached at the culvert of minor of village Gurusar where both the petitioners were seen coming on the motor cycle. On being given a signal to stop, they left the motor cycle and contraband and ran away from the spot. There is no dispute regarding the identity of the petitioners as they were identified by Head Constable Randhir Singh, who was present in the police party.

Keeping in view the above facts, there is no reason to extend the benefits of anticipatory bail to the petitioners.

Dismissed.

(SURINDER GUPTA)
JUDGE

October 26, 2017
Jyoti-II

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***