

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

**CRM-M No.40214 of 2017
Date of Decision : 15.11.2017**

Nirmal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Gagandeep S. Manku, Advocate
for the petitioner.

Mr. Luvinder Sofat, Asstt. Advocate General, Punjab
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail on behalf of the petitioner in case FIR No.147 dated 27th June, 2017, registered under Sections 21, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 Act at Police Station Kotwali, District Kapurthala.

The background of the matter according to the FIR is that the petitioner along with his minor son, namely Parmeshwar Singh was going by a motor-cycle. The complainant, who is a

Police Officer claims to have received the secret information regarding involvement of the petitioner in the business of selling illegal drugs. Consequently, barricading of the passage from where the petitioner's motor-cycle was to pass was done by the Police. The petitioner allegedly took a sudden turn which resulted in his son falling from the motor-cycle which he was riding as a pillion rider. The petitioner allegedly fled away but his son was apprehended and recovery of 37 grams of Heroin was allegedly made from him.

Contention of the petitioner is that no such occurrence actually took place.

It further transpires that the petitioner's son being a juvenile has been granted bail by the Juvenile Justice Board. He is therefore liable to be dealt with accordingly in terms of the Juvenile Justice Act. Even if he is tried in the said case before the concerned Authority, it is unlikely that his trial with the petitioner would be joined. As such, he cannot be called a co-accused at this stage and the statement given by him in the circumstances cannot be discarded outright particularly considering that he is the own son of the petitioner.

Such statement of the petitioner's son as available in the

Police Case Diary in case is serious incriminating material against the present petitioner, on account of which his prayer for interim bail is rejected.

Dismissed.

November 15, 2017
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No