

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

CRM-M No.48166 of 2017

Date of decision: 21st December, 2017

Major Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.

Mr. Sandeep Kumar, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations in this anticipatory bail application under Section 438 Cr.P.C. in case registered by way of FIR No.209 dated 30.11.2017 at Police Station Samana, District Patiala under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 are that on 30.11.2017, 15 kgs of poppy husk was recovered from the vehicle Truck Trolla bearing registration No.PB-11-BY-2890 leading to arrest of non-applicant/co-accused Kulwinder Singh at the spot. The allegations against the petitioner Major Singh have emanated from the statement of his co-accused.

Learned counsel for the petitioner contends that neither the petitioner was apprehended at the spot nor any recovery from his conscious possession has been effected and that the only semblance of evidence is the statement of his co-accused.

Learned State counsel on instructions from ASI Chajju Singh, Police Station Sadar Samana, District Patiala has sought to oppose

the bail application on the grounds that petitioner Major Singh is the registered owner of the vehicle from which recovery has been effected, though he readily accepts the fact that it is only the statement of co-accused which has lead to implication of the petitioner.

Appreciating the submissions, the own stand of the prosecution that it was from the possession of non-applicant Kulwinder Singh the recovery was effected and there is no allegation that the petitioner happened to be present at the time of alleged recovery, his joining the investigations would suffice the purpose. In the light of the same and the fact that a debatable issue has arisen as to the very legality and acceptability of the statement of the co-accused which is subject matter of judicial adjudication, the petitioner is directed to put in appearance before the investigating officer within 15 days from the date of this order and on his doing so he shall be released on bail to the satisfaction of the investigating officer till submission of report under Section 173 Cr.P.C. (challan). He shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 21, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No