

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

**Crl. Misc. No.M-7791 of 2017 (O&M)
Date of Decision: July 12, 2017**

Baljinder Singh @ Raju

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner (s).

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

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.16 dated 16.02.2017 registered for the offence punishable under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Kotbhai, District Sri Muktsar Sahib.

Heard.

Learned State counsel submits that occupants of the vehicle who have fled away from the spot were named in the disclosure statement of co-accused Amarjit Singh, who was apprehended at the spot. The police has further investigated the matter and recorded statement of Kuldeep Singh, owner of the car about lending the car to the petitioner.

The identity of the petitioner is a moot point which the Court

has to determine while reaching the conclusion as to whether the recovery of contraband was effected from the conscious possession of the petitioner. The evidence produced by the prosecution on this point is subject to scrutiny by the Court.

In view of the above facts but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 14.03.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

July 12, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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