

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

CRM-M-33871-2018

Date of decision:20.08.2018

AMIT KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab assisted
by ASI Darshan Singh.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of
FIR No.132 dated 19.07.2018 under Sections 22, 61, 85 Narcotic Drugs
and Psychotropic Substances Act, 1985, Police Station City Dhuri,
District Sangrur.

The allegations in nut-shell are that on the day of occurrence
when the police party was going from the main market to the road leading
to Bagriya in connection with patrolling and checking of suspicious
persons, then three persons were seen standing near white coloured

scooter bearing registration No.PB-13AV-4892. When the police party, being suspicious, stopped near them, the said three persons tried to run away while holding black coloured polythene bags. While two of them slipped and fell down, the third managed to escape though he was chased by HC Gian Singh. The search of the bag carried by the two accused and also of the dicky of the motorcycle led to recovery of strips of Tramadol. The total tablets in the said strips were 300. Tramadol has been included in the list of psychotropic substance vide Notification dated 26.04.2018 and hence the aforesaid FIR was lodged against accused under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of the petition was issued to the State.

Learned State counsel has submitted that although the petitioner was not arrested at the spot but he was identified by the Head Constable who had chased him and that since as per FIR, all three of them were carrying bags therefore, the involvement of the present petitioner is apparent. It has further been submitted that the petitioner is also involved in an another case registered under the Excise Act and under these circumstances the petitioner does not deserve the concession of anticipatory.

Having heard learned counsel for the petitioner and also learned State counsel, I find that it is a case where the petitioner was not arrested at the spot. In my opinion, it is not a case where custodial interrogation is warranted. The petition as such, is accepted. In the event of arrest of the petitioner, he shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of

Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

(GURVINDER SINGH GILL)
JUDGE

20.08.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**