

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-37349-2018

Date of Decision:04.09.2018

Balwan Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.182 dated 15.06.2017 under Sections 15, 25 of the NDPS Act, registered at Police Station Taraori, District Karnal.

The aforesaid FIR was registered on the basis of information given by a secret informer that Krishan son of Balwan Singh, resident of Shamgarh, Police Station Taraori, was doing the business of selling poppy husk and in case barrier is put on the road, he can be apprehended. Petitioner is stated to be the registered owner of vehicle bearing registration No.HR-05AQ-9126 'Verna' white colour car. On 15.06.2017, the said car was seen coming from the side of village Dodwa towards village Shamgarh.

The police-party parked the Govt. vehicle in the middle of the road as a barricade and made an attempt to stop the vehicle with the help of torch

light. However, the driver of the vehicle made an attempt to overtake the vehicle by the side of the Govt. vehicle. It being a single way, the 'Verna' car struck against the tree towards the conductor side. When an attempt was made to apprehend the driver of the vehicle namely Krishan who was known to the police-party fled away from the spot leaving the vehicle there while taking advantages of darkness. In this manner, Krishan succeeded in fledging away towards the open fields. The vehicle was impounded and on the basis of Registration Certificate, it is found that the petitioner is the registered owner of the vehicle. The total recovery from the vehicle was found to be 60.50 kgs. of poppy husk.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case, merely on the ground that he is father of Krishan, who was driver of the vehicle at the relevant time. Merely because petitioner is a registered owner of the vehicle is not sufficient enough to name him as an accused.

On the other hand, learned State Counsel on instructions from SI Dalbir Singh states that no doubt the petitioner was not found present in the vehicle, but he is a registered owner of the vehicle from where recovery was effected. There was a secret information with the police that the petitioner is indulged in narcotics activities. Two more cases bearing FIR No.210 dated 20.07.2015 and FIR No.254 dated 10.06.2016 have already been registered against him under the NDPS Act. Therefore, he has opposed the present bail application.

I have heard learned counsel for the parties.

So far as registration of other FIR Nos.210 and 254 are concerned, there is no dispute that the petitioner is on bail in the aforesaid

FIRs. In the case in hand, petitioner was never found present by the police-party and he is being arrayed as an accused because he is a registered owner of the vehicle in question which was carrying the said contrabands. In this manner, the culpability of the petitioner in the offence involved is yet to be established during the course of trial. As the conclusion of trial will take long time, petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

Petitioner shall also submit an affidavit before the trial Court that he shall not indulge in any case like the present one and in case it is found that he is involved in other case, the prosecution would be at liberty to seek cancellation of his bail.

September 04, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No