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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39270-2018 (O&M)
Date of decision : 19.11.2018

Gurwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.N.Ganeriwala, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

This is a petition filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 144 dated 14.7.2018 under Sections 21, 61, 85 of the NDPS Act, 1985, registered at Police Station Sadar Patti.

As per the allegations in the FIR, Major Singh-land owner along with labourer Gurwinder Singh-present petitioner entered the border fencing at Gate No. 176/M for farming near the international border adjoining Pakistan. As per FIR, BSF got suspicious regarding loose speedometer. They asked Gurwinder Singh to fetch the tool to open the speedometer. However, Gurwinder Singh fled away from the spot. Thereafter, meter was extracted with the help of screw driver out of which 550 gm of heroin was recovered which is a commercial quantity.

Learned counsel for the petitioner contends that petitioner could not run away from the spot in the presence of BSF officials. However, this fact is to be examined during trial as the petitioner was asked to bring tools to open the speedo meter. Petitioner was accompanied by Major Singh on the tractor on the international border.

Mere fact that tractor is owned by Major Singh will not prima facie exclude Gurwinder Singh from the commission of crime. Police during the investigation found that both the accused were involved in the crime. Recovery being commercial. In view of bar of Section 37 of the NDPS Act, 1985, no ground to grant anticipatory bail to the present petitioner is made out.

Dismissed.

(KULDIP SINGH)
JUDGE

19.11.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No