

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

**CRM-M-42425-2018
Date of decision:05.12.2018**

Sonu

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of case registered vide FIR No.118 dated 06.07.2014 registered at Police Station Bahavwala, District Fazilka under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, wherein he has been summoned by trial Court with the aid of Section 319 Cr.P.C.

It is the case of prosecution that on 06.07.2014 when the police party was patrolling and checking suspected persons in the area of village Kular then two persons riding a motorcycle were seen coming, who were carrying something on their motorcycle. When the police party

signalled the motorcyclists to stop, the driver tried to take U-turn but in the process he slipped and fell down and while pillion rider ran away from the spot, the driver was apprehended at the spot. The plastic bags being carried on the motorcycle were found to contain poppy-husk weighing 54 Kgs. After conclusion of investigation while challan was presented against Tarsem Singh @ Semi, present petitioner was kept in column No.2, but was subsequently summoned by the trial Court with the aid 319 Cr.P.C.

Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and was never arrested at the spot and that in any case it is a case of recovery of poppy husk which is slightly above than 'commercial quantity' and as such the petitioner deserves the concession of bail.

On the other hand, learned State counsel has submitted that during the course of interrogation of co-accused the involvement of the petitioner has surfaced and that in these circumstances the complicity of the petitioner is evident.

Having considered rival contentions addressed before this Court and bearing in mind the fact that the petitioner was not arrested at the spot and has been summoned by trial Court with the aid of Section 319 Cr.P.C., in my opinion, it is not a case where custodial interrogation is warranted especially when the petitioner has appeared before the trial Court pursuance to directions issued by this Court vide order dated 26.09.2018. Accordingly the petition is accepted and the interim directions issued vide dated 26.09.2018 by this Court are hereby made

absolute subject to the condition that he shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

05.12.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable? **Yes / No**