

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

**CRM-M No.43382 of 2017
Decided on: 26.02.2018**

Salamudin

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.N. Sharma, Advocate for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.112 dated 25.05.2017 registered under Section 22 of the NDPS Act at Police Station Raman, District Bathinda.

Vide order dated 28.11.2017, interim protection was given to the petitioner as it was submitted on behalf of the petitioner that the FIR was registered on 25.05.2017 with the allegation that the police during a search operation found that at about 06:45 pm, two persons were riding a motorcycle which was coming from the side of village Bangi Rughu and a plastic envelop of white colour was kept on the seat between both the persons. On seeing the police party, they threw the bag along with the motorcycle and ran away from the spot through a dry canal. Despite the efforts made by the police party, they could not be nabbed. It is further the case of the prosecution that HC Gurmail Singh and one independent witness Harbans Singh, Ex-Sarpanch had identified the petitioner who was driving the motorcycle and co-accused Madan Lal @ Vicky Dhuria was the pillion rider. On searching, the bag 7400 tablets marked Alprazolam 0.5 were found. It was stated

by counsel for the petitioner on that day that the place of occurrence is far away from Chandigarh and the petitioner was admitted in Government Multi Speciality Hospital, Sector 16, Chandigarh and, thus, the petitioner has been falsely implicated.

A direction was issued to counsel for the State to verify the fact regarding the certificate produced by the petitioner from the Government Multi Speciality Hospital, Sector 16, Chandigarh.

Counsel for the State, on instructions from ASI Sadhu Singh, has produced on record a photocopy of the letter dated 19.02.2018 issued by the Medical Superintendent-cum-Jt. Principal Medical Officer, Government Multi Speciality Hospital, Sector 16, Chandigarh stating that CR No.201705227942 is not correct and no record was found regarding the petitioner on 22.05.2017.

It is, thus, apparent that the petitioner has produced a fake certificate of his treatment by the Government Multi Speciality Hospital, Sector 16, Chandigarh.

Since, the recovery effected from the petitioner falls in the category of commercial quantity i.e. 7400 tablets of Alprazolam, the allegation made by the petitioner that he has been falsely implicated by the police especially in view of the fact that one independent witness namely Harbans Singh, Ex-Sarpanch had duly identified the petitioner, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

26.02.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No