

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-45515 of 2018

Date of Decision: 26.10.2018

Dharminder Singh @ Gauri

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. L.S. Sekhon, Advocate
for the petitioner(s).

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.49 dated 18.08.2018 under Section 15 NDPS Act registered at Police Station City-I, Sangrur, District Sangrur.

The allegation against the petitioner is that after throwing his bag which contained 6 kgs. of poppy husk, the petitioner ran away from the spot.

Learned counsel for the petitioner relies upon a DB judgment of this Court in the case of **Raj Kumar Vs. State of Punjab, 2005(1) RCR (Crl.) 70** to contend that no presumption should be drawn against the

accused unless he is given an opportunity to rebut the said presumption, in his statement under Section 313 CrPC.

On the other hand, learned State counsel has pointed out that apart from the present FIR, the petitioner has been convicted in another case FIR No.64 dated 10.05.2016 under Section 15 of the NDPS Act and has been sentenced to undergo RI for one month.

Having heard learned counsel for the parties and considering the fact that the petitioner is involved in another case, in which he has been convicted and sentenced for one month, this Court does not find any merit in the present petition for grant of anticipatory bail.

Dismissed.

October 26, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No