

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2716 of 2019

DATE OF DECISION: FEBRUARY 14, 2019

SUKHCHAIN RAM @ GAGAN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VARUN MITTAL, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER BENIWAL, AAG, PUNJAB.

MANOJ BAJAJ, J.

The petitioner has preferred this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.548 dated 22.12.2018 under Section 18 of the NDPS Act, 1985 registered at Police Station City Barnala-2.

According to prosecution on 22.12.2018, the police was on patrol duty at Garcha-Handiaya Road,. Barnala and were checking suspected persons. At around 4.15 p.m. on the said day, a vehicle Maruti Zen was seen coming towards them in an improper manner. On being signalled to stop the car, the driver of the car immediately turned the vehicle from Garcha road to Handiaya road by driving at a high speed and fled away. The police chased the said vehicle bearing Registration No.HR24F 0121. The driver of the car turned towards left side and after stopping the car ran towards the fields. Constable Sukhraj Singh on seeing him running identified him as Sukhchain Ram (petitioner). On search of the vehicle opium alongwith polythene bag was recovered, which weighted 850 gms.

Learned counsel for the petitioner contends that a false case been registered against the petitioner. It is further contended that no independent witness has been produced by the prosecution to prove the recovery and the alleged identification of the petitioner by one of the Constable in the chasing police party is highly doubtful.

Learned counsel for the State, however, submits that the petitioner is involved in another case under the NDPS Act and stands convicted.

As per the allegations in the FIR, the petitioner ran away from the spot after leaving behind the vehicle. Learned counsel for the petitioner does not dispute that previously the petitioner stands convicted by the Special Court, Barnala in case FIR No.37 dated 11.4.2007 (Annexure P-3) for having been found in possession of 100 gms. of opium.

Considering the above and the conduct of the petitioner, no case is made out to grant anticipatory bail to the petitioner.

Petition stands dismissed.

February 14, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No