

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

CRM-M-53805 of 2018 (O&M)
Date of decision:-28.05.2019

Gurdit Singh @ Geetu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. Luvinder Sofat, Asst. A.G. Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This is the second petition preferred by the petitioner under Section 438 Cr.P.C. Seeking concession of anticipatory bail in FIR No.158 dated 22.06.2015 under Section 15 of the NDPS Act, registered at Police Station Shahkot, District Jalandhar City.

The previous petition that CRM-M-3469 of 2016 was dismissed by this Court vide order dated 16.02.2016 in the following terms:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.158 dated 22.06.2015, under Section 15 of the NDPS Act, registered at Police Station Shahkot, District Jalandhar City.

Counsel appearing for the petitioner has vehemently argued that the petitioner was not apprehended at the spot and as such no recovery has been effected from his person.

Be that as it may, learned State counsel has apprised the Court that the recovery in the present case is of 6 quintals and 48 kgs of poppy husk. As per prosecution version, such consignment was being unloaded from a truck and into a swift car bearing registration No.PB-02-BM-0913. During the course of investigation, it has surfaced that the car is in the ownership of the real brother of the present petitioner and the driving license of the present petitioner was found in the car.

That apart, it has also gone uncontroverted that the petitioner having evaded the process of law, has been declared as proclaimed offender vide order dated 09.12.2015.

In view of the circumstances noticed hereinabove, the petitioner is not held entitled to the concession of pre-arrest bail.

Petition dismissed.”

Counsel for the petitioner seriously contests the factual aspect as regards petitioner having been declared a proclaimed offender on 09.12.2015 that had been so recorded in the order dated 16.02.2016 at Annexure P-4.

Be that as it may, the previous petition had been dismissed more than three years back. There is no plausible explanation coming-forth as regards petitioner having not join investigation and having evaded the process of law. That apart it is a case of an alleged recovery of 6 quintals and 48 kgs of poppy husk.

The contention raised by counsel that the petitioner had not been apprehended at the spot and no recovery having been effected from him

cannot be granted much weight as it is the prosecution version that the consignment was being unloaded from a truck and into a swift car bearing registration No. PB-02-BM-0913 and during the course of investigation it was found that the car is in the ownership of the real brother of the petitioner and the driving licence of the present petitioner had been found in the car.

Keeping in view the heavy recovery as projected on behalf of the prosecution as also the conduct of the petitioner, he is not found entitled to the concession of pre-arrest bail.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

28.05.2019

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No