

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

CRM-M No.11884 of 2020

Date of Decision : 21.09.2020

Suraj Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Amit Arora, Advocate
for the Petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 438 of the Code of Criminal Procedure seeking Anticipatory Bail on behalf of the Petitioner in case FIR No.82, dated 16.04.2018, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Notice of motion.

3. Mr. Avtar S. Sandhu, Addl. Advocate General, Punjab to accept notice on behalf of the Respondent/State. A copy of the Paper-book be handed over to him.

4. It transpires that according to the FIR, the Petitioner's mother was allegedly arrested with 270 grams of Heroin while the Petitioner allegedly managed to escape from the spot leaving behind his motorcycle and mother on seeing the Police Party and a loaded pistol also fell down

from his pocket in this process.

5. It is submitted by Ld. Counsel for the Petitioner that his mother has since been granted bail by the Ld. Trial Court.

6. From the record it is verified that the Petitioner was declared a Proclaimed Offender/Person.

7. For this reason, the Petitioner is held to be not entitled to the benefit of Anticipatory Bail notwithstanding the fact that no actual recovery of any contraband was effected from him nor he was directly apprehended at the spot.

8. Consequently, the present Application is dismissed but with liberty to the Petitioner to surrender before the Ld. Trial Court and seek Bail in accordance with law.

9. The Ld. Trial Court is directed to pass an appropriate order on his bail Application as expeditiously as possible and preferably within a week from the date he surrenders before the Court.

September 21, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No