

CRM-M-13357-2020 (O&M)

Date of decision: 01.06.2020

Ravi Dutt Sharma

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Aditya Pal Singla, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Mr. Dhruv Dayal, Senior DAG, Punjab puts in appearance on behalf of the State on his own.

The allegations against the petitioner-Ravi Dutt Sharma, a senior citizen, aged around 79 years, has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.78 dated 07.04.2020 under Sections 16/17/61/85 of Narcotic Drugs and Psychotropic Substances Act registered at Police Station Adampur, District Jalandhar, Punjab have come about from ASI Ram Kishan.

It is alleged by the prosecution that on the basis of secret information, the petitioner was growing poppy plants in his Haveli, a

raid was conducted and 600 plants of poppy were being grown weighing about 19 Kgs, was being recovered leading to the registration of the present case.

Learned counsel for the petitioner *inter alia* contends that the petitioner is a senior citizen and that neither he has been named nor apprehended at the spot and, therefore, has put to doubt the very element of conscious possession of the contraband by the petitioner.

The learned State counsel though does not displace the facts but has opposed the grant of bail on the grounds of seriousness of the allegations and that contraband has been recovered from the property of the accused.

Appreciating the submissions, admittedly, to the specific query of the Court, the learned State counsel fairly concedes that neither the petitioner has been named as to any active role in the commission of the offence nor he is apprehended from the spot and further that there is no documentary evidence to the fact that the place from where the poppy plants were get recovered, was owned or was in possession of the petitioner. Recovery has already been effected. Culpability, if any, shall be determined at the time of the trial.

This Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining the investigation would suffice the purpose. Accordingly, the petitioner is directed to appear before the Investigating Officer within a period of 15 days from the date of receipt of certified copy of this

order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

01.06.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No