

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16574 of 2020

Date of Decision: 26th June 2020

Amrik Singh

.....Petitioner

Versus

State of Punjab.

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Monty Goyal, Advocate
for the petitioner.

Mr. Gaurav Dhuriwala, Sr. DAG Punjab.

AVNEESH JHINGAN, J.(oral)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

The petitioner has approached this Court for grant of anticipatory bail in case FIR No. 68 dated 30.10.2019, registered under Sections 21,22,25 and 29 NDPS Act, at Police Station City Thulliwal, District Barnala. The FIR was result of a secret information received by police party that a Swift car bearing registration No.PB-11CE-3756 white colour and ERTIGA car bearing registration No.PB-11CC-0285 silver colour, were being used to transport intoxicating tablets from Delhi or U.P. for supply in certain districts of Punjab. The police acted on the secret information. The cars were checked at village Wajidke Kalan and Wajidke Khurd and 1,65,000 intoxicant tablets (contained in strips) of CLOVIDOL-100 SR were recovered from Sukhwinder Singh and Lakhwinder Singh.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR, he is merely owner of ERTIGA Car. The car was being driven by his employee and he has no knowledge about the misdeed of his employee. He relies upon order of this Court dated 28.5.2020 passed in CRM-M-660 of 2020 titled as Narinder Singh Versus State of Punjab, whereby the co-accused has been granted interim bail.

Learned counsel for the petitioner relies upon Annexure P-2 i.e. agreement with his driver. In agreement it was mentioned that the car was given on rent and that Lakhwinder Singh would be responsible if it was used for any illegal purpose.

Learned State counsel vehemently opposes the prayer. He argues that recovery made was heavy as 1,65,000 tablets were recovered. He further on instructions states that during investigation the driver of the car has stated that the owner had the knowledge of what was being done and he used to have share in the same and even earlier trips were made in the same car. He distinguished the case of Narinder Singh, accused, that except for his name occurring in the secret information, there is no other material against him but the petitioner is owner of the car and his active role has also surfaced during investigation.

Any observation made by this Court with regard to agreement would affect the investigation and outcome of trial. Suffice to say that language of the agreement does not help the case of the petitioner for grant of pre-arrest bail.

Considering the rival contentions and the quantum of recovery made, no case is made out for grant of pre-arrest bail.

The petition is dismissed.

It is clarified that nothing stated hereinabove shall be construed as an observation on the merits of the case.

26rd June 2020
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable:	No