

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

CRM-M No.18591 of 2020 (O&M)

Date of Decision: 22.07.2020

Mangal Singh Nambardar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No.173 dated 13.06.2020 (P-1), under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sultanpur Lodhi, District Kapurthala.

As per prosecution case, on 13.06.2020, when police officials were on patrolling duty at T point near *Kaccha Rasta* (path) at Village Sench, then one black colour Royal Enfield Motorcycle registration No.PB-09-AG-6657 was seen and behind it, a while colour Brezza Car registration No.PB-41-D-2326 was also coming. ASI asked the motorcyclist to stop it, but driver tried to escape from the spot by turning the same, however, motorcycle got slipped. Police officials apprehended the driver as well as pillion rider of the motorcycle and they disclosed their names as Davinder

Singh @ Bara (son of the petitioner) and Balwinder Singh. Thereafter, recovery of the alleged contraband was effected from both of them. They also disclosed that the Brezza Car, following them, was being driven by the petitioner, whereas Kuldeep Singh @ Kala was sitting on the front seat. Police officials also asked the driver of the Car (petitioner) to stop the same, but he drove it at very high speed towards Village Muthowala.

Contentends that petitioner has been falsely implicated in the present case as the entire incident has been recorded in Closed Circuit Television (CCTV) footage and he is nowhere in the picture. Also contends that even a Habeas Corpus bearing CRWP No.3801 of 2020 (P-4) was also filed before this Court to get the detenue (son of the petitioner) released, namely, Davinder Singh @ Bara and notice of motion was issued for 23.06.2020. It is also the contention that there is no recovery from the petitioner; rather the alleged contraband i.e. 1.5 Kg. *Heroin* was recovered from Davinder Singh @ Bara (son of the petitioner) and Balwinder Singh.

On the other hand, learned State Counsel, on instructions, opposed the present petition while submitting that name of the petitioner is duly mentioned in the FIR itself as he was driving the Brezza Car. When petitioner was asked to stop the Car, he drove it at very high speed towards Village Muthowala and the person, who was driving the motorcycle, was caught on the spot by ASI. Also submitted that even the drug money in cash to the tune of ₹ 2,90,900/- was also recovered from Davinder Singh @ Bara, who was driving the motorcycle and he is none else; rather the son of the petitioner.

Heard learned Counsel for the parties and perused the paper-book.

Concededly, the name of the petitioner is duly reflected in the FIR and recovery of the contraband (1.5 Kg. *Heroin*) as well as the alleged drug money i.e. ₹ 2,90,900/- was effected from the son of the petitioner. Instead of co-operating with the police, petitioner drove the Car at very high speed and fled away from the spot, thus, his intention is very clear to evade the process of law.

In view of the above, custodial interrogation of the petitioner is required to unearth the truth regarding his complicity in the present case being of very serious nature. Consequently, this Court has no option except to dismiss the present petition.

Ordered accordingly.

The above observations may not be construed as an expression of opinion on merits of the case.

July 22, 2020

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>