

CRM-M-19220-2020

Date of decision: 17.07.2020

RAJ SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashok Kumar Sama, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Briefly, the FIR bearing No. 98 dated 02.07.2020 under Sections 15/61/85 of the NDPS Act, Police Station Bahav wala, District Fazilka has been registered in pursuance of the secret information to the effect that Balwinder Singh @ Khundri, Raj Singh @ Raju-petitioner and Joginder Singh @ Gori are travelling in a Swift Dezire car bearing registration No. PB-22F-3073 and carrying Poppy Husk with them. Accordingly, a Naka was raised, Balwinder Singh @ Khundri was apprehended at the spot whereas the petitioner and co-accused namely Joginder Singh @ Gori managed to slip away from the spot. 120 kg of Poppy Husk was recovered from the vehicle.

It has been contended by the learned counsel for the petitioner that he was not present at the spot and is not owner of the vehicle.

On the contrary, it has been pointed out by the learned State counsel that the petitioner has been specifically and categorically named in the FIR. The quantity of contraband recovered in the instant case falls in the category of

Poppy Husk has been registered against the petitioner.

In the instant case, the petitioner has been specifically named in the FIR but he alongwith the co-accused managed to slip away from the spot. The quantity of contraband recovered from the vehicle in which the petitioner along with the co-accused were traveling falls in the category of commercial quantity. Merely, because the petitioner managed to slip away, it cannot be termed as circumstance to extend any premium to the petitioner, to conclude, at this stage that he is being falsely implicated. Furthermore, the petitioner is also involved in another case under NDPS Act. The matter requires thorough probe and investigation and no exceptional circumstances are made out to extend the concession of the pre-arrest bail to the petitioner.

In view of the above, the present petition stands dismissed.

17.07.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No