

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

CRM-M-23831 of 2020 (O&M)

Date of Decision: 14.09.2020

Mohd. Jamil

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sumeet Puri, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.165 dated 18.07.2020, under Section 15/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhogpur, District Jalandhar.

2. On 21.08.2020, following order was passed by this Court:-

“Learned counsel for the petitioner argues that the petitioner has only been roped in the FIR on the basis of disclosure statement of the co-accused, though, no recovery has been effected from the petitioner and the petitioner was not found on the spot, from where the recovery of poppy husk was done by the police. Learned counsel for the petitioner further submits that Esteem car as well as the truck, from which the banned substance was recovered, does not belong to the petitioner and the ownership, which has been attributed to the petitioner, even, in the order passed by the Special Judge, Jalandhar, declining him the benefit of anticipatory bail, is factually incorrect. Notice of motion.

Mr. Bhupender Beniwal, AAG, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State.

Learned State counsel submits that as per his instructions, the vehicle belongs to the petitioner.

Before any action is taken on the plea of the petitioner, learned State counsel is directed to file an affidavit, as to on what basis, it is being stated that the petitioner is the owner of the vehicle, from which the banned substance was recovered before the next date of hearing. Adjourned to 28.08.2020. ”

3. In compliance thereof, reply by way of an affidavit of Harinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Adampur, District Jalandhar (Rural) has been filed, copy of the same is taken on record.

4. In the reply, it has been mentioned that during investigation, co-accused Asgar Ali suffered a confessional statement on 18.07.2020 that the petitioner has a truck bearing No.PB-13-AB-4637 and they pay equal money for purchasing the poppy husk for smuggling. It has further been mentioned that Investigating Officer also recovered an agreement dated 09.08.2019 vide which petitioner purchased a truck in question from Ashraf Ali for total consideration of Rs.12,97,000/- and took possession of the same on the same very date.

5. Keeping in view the seriousness of offence and the facts mentioned in the reply, this Court is of the opinion that the petitioner is not entitled to grant of anticipatory bail.

6. Dismissed.

SEPTEMBER 14, 2020

vandana

Whether speaking/reasoned :

Whether reportable :

(ARUN MONGA)

JUDGE

Yes/No

Yes/No