

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CRM No. M-33504-2020

Date of Decision : 19.10.2020

GURBANT SINGH

....Petitioner

Versus

STATE OF HARYANA

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Arpandeep Narula, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No. 341 dated 24.09.2020, under Sections 15 (B) of the NDPS Act, registered at Police Station Dabwali, District Sirsa.

Learned counsel for the petitioner argues that the petitioner has been roped into the present FIR on the allegation that at the time of the incident, though the petitioner was never arrested and allegedly escaped from the spot but was eventually identified by the ASI Ishwar Singh, which is improbable. Learned counsel for the petitioner further argues that as there is no history of the petitioner of any criminal record, hence, his identification by a member of the police party at the spot, is doubtful and the recovery of the banned substance from the petitioner is marginally higher than the small quantity, therefore, petitioner be granted the concession of anticipatory bail.

Notice of motion.

Ms. Safia Gupta, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel submits that ASI Ishwar Singh, who was present at the site, who identified the petitioner also belongs to the same village as the petitioner and, therefore, the petitioner was identified by the said ASI at the spot though, the petitioner managed to escape.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The argument of learned counsel for the petitioner that the quantity of the banned substance recovered from petitioner is marginally higher than small quantity, hence, he be granted the concession of anticipatory bail is not acceptable. The petitioner is yet to be arrested and interrogated so as to unearth the truth behind the recovery of the banned substance and for this purpose the custodial interrogation of the petitioner is necessary. No ground is made out for the grant of anticipatory bail to the petitioner.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 19, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*