

Raj Singh

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Mikhail Kad, Advocate, for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 97 having been registered at Police Station Sirhind, District Fatehgarh Sahib, on 03.07.2017, alleging therein the commission of offences punishable under Sections 15/25/29 of the NDPS Act, 1985 (with Section 483 of the IPC added lateron).

Learned counsel for the petitioner submits that other co-accused of the petitioner had also been admitted to bail by this court.

However, learned State counsel submits that in fact the car from which the poppy husk was recovered (as per the case of the investigating agency), stands registered in the name of the petitioner, with in fact the number plate having been changed to show it to be registered in Haryana.

He further submits that there are three other cases registered against the petitioner, in one of which he was also convicted for a similar offence (punishable under Section 15 of the NDPS Act, 1985).

Learned counsel for the petitioner though does not deny that the car apprehended belongs to the petitioner, he submits however that it was being misused without his knowledge, with one of the accused who had been apprehended at the spot, having borrowed the car from him.

Having considered the matter, looking at the antecedents of the petitioner and the fact that the car also admittedly belongs to the petitioner, without making any comment on the actual merits of the case, I see no reason to entertain this petition, which is consequently, dismissed.

However, it is also made clear that nothing stated hereinabove will be taken to be an observation by this court on the merits of the case, which naturally would be gone into by the trial court wholly on the basis of the evidence led before it.

November 17, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.