

103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34517-2020
Date of Decision: 30.10.2020

DARSHAN SINGH @ RAJU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Sahil Goel, Advocate for the petitioner
Mr.Balbir Singh Sewak, Addl.AG Punjab

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition is the second one filed before this Court through which the petitioner has sought anticipatory bail in FIR No.81 dated 07.09.2020 registered under Sections 473, 171, 419, 420 IPC, Section 15 of NDPS Act, 1985 and Section 25 of Arms Act, 1959 at Police Station Mehna, District Moga. The earlier petition being CRM-M-32673-2020 was dismissed as withdrawn on 14.10.2020.

Learned counsel for the petitioner submits that the petitioner has preferred the second petition on the ground that the Trial Court has granted anticipatory bail to two co-accused namely Tarsem Singh and Satnam Singh and regular bail to the third co-accused namely Balwant Singh. He further submits that no recovery was effected from the petitioner's possession and that in any case all recoveries in the present case have already been made from Balwant Singh.

Admittedly, the petitioner is involved in two other cases being FIR No.52 dated 27.05.2018 and FIR No.1 dated 02.01.2019 both registered at police station Mehna, District Moga under the NDPS Act and while on

bail in these cases he is alleged to have committed the offence which is the subject matter of the present petition. Thus, he has misused the concession of bail.

Further, case of the prosecution is that the police received secret information that a tractor and a truck were being used to sell poppy husk and acting on such information a search of the truck which is owned by the petitioner, was conducted which resulted in the recovery of forged number plates, four uniforms of the Punjab Police and a country made pistol. However, the petitioner fled from the spot.

The plea of parity raised by the petitioner is misconceived as co-accused Balwant Singh has been granted regular bail whereas the petitioner seeks the grant of anticipatory bail and co-accused Tarsem Singh and Satnam Singh who have been granted anticipatory bail by the Trial Court were not named in the FIR as also they did not have any other criminal cases under the NDPS Act pending against them.

In view of the above discussion the present petition is found devoid of any merit.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case as trial of the petitioner is yet to take place.

30.10.2020

gk

(Deepak Sibal)

Judge

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No