

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

CRM-M-36323-2020

Date of Decision: 06.11.2020

Jaspal Singh @ Pali

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kanwaljit Singh Bara, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.87 dated 04.09.2020 under Sections 22 (c) and 25 NDPS Act, 1985, registered at Police Station thermal, District Bathinda. He apprehended his arrest at the hands of Police in the above said FIR.

The present FIR was registered with the allegations that on 04.09.2020, the police party while on patrolling noticed motorcycle No.PB44-A-8840 coming from the side of village Sivian. On seeing the police party, the driver of the vehicle (petitioner) fled away after leaving the motorcycle and Balwinder Kaur (pillion rider), who was apprehended at the spot with 1450 tablets of Clovidol-100 SR.

Learned counsel for the petitioner contends that the alleged contraband was recovered from the possession of Balwinder Kaur, who was arrested on the spot and the petitioner was indicted as an accused on the basis of her disclosure statement. He submits that since the contraband has already been recovered, therefore, the custodial interrogation of the petitioner may not be necessary. He prays for grant of pre-arrest bail in the

above said case.

After hearing the learned counsel for the petitioner, this Court finds that as per prosecution, the petitioner was driving the vehicle, whereas his wife was the pillion rider and when the police stopped the motorcycle, the petitioner ran away from the spot, but his wife was arrested with contraband.

Considering the nature of the contraband, which falls in commercial quantity and the conduct of the petitioner, no case is made out for grant of extra ordinary concession of pre-arrest bail to the petitioner.

The petition is dismissed.

06.11.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No