

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-55448-2019 (O&M)
Date of Decision:-13.1.2020

Sukhwinder Singh @ Sukha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.S. Malwai, Advocate for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab,
assisted by SI Rajesh Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.203 dated 24.11.2019 at Police Station City Samana, District Patiala under Sections 15 and 18 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The case of the prosecution is that a secret information was received by the police to the effect that the petitioner Sukhwinder Singh @ Sukha indulged in sale of '*Bhuki Kala Dana*' at his residence and that he could be caught red handed. Pursuant to the aforesaid information a raid was conducted at the house of petitioner where the petitioner was not found but '*Bhuki Kala Dana*' weighing 25 Kilograms was recovered.

3. The learned counsel for the petitioner has submitted that he was never arrested at the spot and that the alleged recovery has been planted at the house of the petitioner. It has further been submitted that, in any case, the recovery of the poppy seeds as in the present case will not attract any offence under Section 15 of NDPS Act.
4. Opposing the petition, the learned State counsel has submitted that the recovery in the present case would attract provisions of Section 15 of NDPS Act and that in these circumstances, the petitioner does not deserve the concession of anticipatory bail.
5. I have considered rival submissions addressed before this Court.
6. Given the fact that report of Forensic Science Laboratory is still awaited and that it would be debatable as to whether the recovery in the present case would attract Section 15 of NDPS Act and that the recovery was effected in the absence of the petitioner, in my opinion, it is not a case warranting custodial interrogation.
7. The petition, as such, is accepted. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

13.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No