

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

**CRM-M-10885 of 2021
Date of Decision: 01.04.2021**

Lakhwinder Singh alias Matti

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.
Mr. A. A. Pathak, Addl. AG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 95 dated 14.12.2020 under Section 15(c) of the Narcotic Drugs & Psychotropic Substances Act, 1985 registered at Police Station Bholath, District Kapurthala.

The facts in brief are that on 14.12.2020, acting on a secret information the police party intercepted truck bearing registration No. JK-18-4520. There were three persons in the truck. Two persons, namely, Suhel Ahmed Bandhe and Sukha Singh were apprehended at the spot, however third person was successful in fleeing. 250 kilograms of poppy husk was recovered from the truck. On enquiry, Sukha Singh disclosed that his brother-Lakhwinder Singh @ Matti (petitioner) was the third person who fled.

Learned counsel for the petitioner submits that the petitioner was not apprehended at the spot and no recovery was made from him. It is argued that secret information was that accused were indulging in smuggling of poppy husk from Jammu & Kashmir to Punjab whereas the

allegations in the FIR are that the truck was coming from a different side i.e. not from J&K side.

Learned counsel for the State vehemently opposes the grant of anticipatory bail. The contention is that the matter is under investigation, the petitioner was one of the occupant of the truck, his custodial interrogation is necessary for joining the links and to unearth the modus operandi.

Albeit, the petitioner was not apprehended at the spot but his brother-Sukha Singh specifically named the petitioner as third occupant of the truck. There was recovery of 250 kgs. of poppy husk. There is not even a *prima facie* argument raised to challenge the disclosure statement made by Sukha Singh for naming the petitioner.

The contention of learned counsel for the petitioner regarding discrepancy between the secret information and the facts mentioned in the FIR with regard to the truck coming from a different direction would be subject-matter in the trial proceedings and needs no comments at this stage.

Considering the quantity of poppy husk, further the matter needs a deeper probe and without custodial interrogation of the petitioner, the same would not be possible.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

1st April, 2021
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1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes