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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 04.08.2021

1. CRM-M No.20373 of 2021 (O&M)

Pritpal Singh

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.21461 of 2021 (O&M)

Pinky Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in these petitions is for grant of anticipatory bail to the petitioners namely Pritpal Singh and Pinky Kaur in FIR No.180 dated 16.04.2021 registered under Sections 15/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station City Barnala, District Barnala.

Counsel for the petitioners has argued that as per the allegations in the FIR, registered on a secret information that the co-accused Gursewak Singh, the petitioners – Pritpal Singh and Pinky Kaur, are indulged in the business of selling poppy husk and they are coming in a vehicle, if a raid is conducted, they can be apprehended.

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Thereafter, by sending an information to the police, a raiding party was constituted which comprised number of police officials including the lady police official. It is further submitted that it is the case of the prosecution that when the aforesaid vehicle driven by the co-accused Gursewak Singh @ Sewak was apprehended and 08 bags of poppy husk containing 20 Kgs each were recovered, however, both the petitioners – Pritpal Singh and Pinky Kaur, jumped from the vehicle and ran away.

Counsel for the petitioners has also submitted that this fact was noticed while granting interim bail to the petitioner – Pinky Kaur that she is a lady aged about 55 years and even both the petitioners i.e. Pritpal Singh and Pinky Kaur, succeeded in running away from the spot despite the fact there are number of police officials and they could catch them which how that they have been falsely implicated in the case. It is also argued that the recovery is effected from the co-accused Gursewak Singh @ Sewak, who was arrested at the spot. Lastly, it is submitted that both the petitioners are not involved in any other case and have no history of involvement in any such case under the NDPS Act.

Counsel for the State on the basis of the status report filed by the Deputy Superintendent of Police (D) Barnala, could not dispute the aforesaid fact that only one person Gursewak Singh was arrested at the spot leading to recovery of 160 Kgs of poppy husk and both the present petitioners were not arrested at the spot.

After hearing the counsel for the parties, I deem it appropriate to confirm the anticipatory bail granted to petitioner No.2 – Pinky Kaur vide order dated 01.06.2021 and further direct that the arrest of petitioner No.1 – Pritpal Singh, shall remain stayed subject to

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the conditions envisaged under Section 438(2) Cr.P.C.

It will be open for the Investigating Officer to issue an advance notice in writing to the petitioners to join the investigation as and when required by him.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

04.08.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No