

101

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

CRM-M-25626-2021

Date of decision-07.07.2021

Jawahar Singh**....Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Kuldeep V.Singh, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.58 dated 03.05.2021 under Sections 18, 21, 25, 29, 61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station STF Wing, Ludhiana, District Ludhiana.

The FIR was registered on the secret information and the allegations as noticed by the learned Additional Sessions Judge, Ludhiana in the order dated 03.06.2021 are as under:-

“Briefly the prosecution case is that police party received a secret information on 03.05.2021 that accused Davinder Singh and applicant-accused Jawahar Singh are indulging in sale purchase of opium and heroin and today they are coming in Innova Car bearing No.PB-10-CX-7009

for supplying the same. Information being authentic, FIR was registered and above mentioned car was apprehended. Accused-applicant Jawahar Singh was able to flee away from the spot whereas another accused Davinder Singh was arrested. From the vehicle 315 gram heroin and 500 gram opium was recovered.”

Learned counsel for the petitioner has argued that the alleged recovery of 315 gram heroin and 500 gram opium was recovered from co-accused, namely, Devinder Singh, who was arrested on the spot. According to him, petitioner was not arrested and according to the prosecution, he ran away from the spot. He submits that though there is another case against the petitioner under the NDPS Act, but in the present case, he has been falsely implicated. He has prayed for grant of anticipatory bail to the petitioner.

On the other hand, prayer is opposed by learned State counsel who is assisted by ASI Naresh Kumar, on the ground that the petitioner was driving the vehicle bearing No.PB-10CX-7009, which is in the name of his father and the alleged contraband was found underneath the driving seat. According to him, previously also 42 kg poppy husk was recovered from the petitioner. Learned State counsel has argued that merely because the petitioner managed to escape from the place of recovery, it cannot be said that he is not involved in the crime.

After hearing learned counsel for the parties, this Court is of the opinion that the allegations and the nature of offences are

serious, therefore, without expressing any opinion on the merits of the case, this Court does not find it to be a fit case for extending the extra ordinary concession of pre arrest bail to the petitioner.

Dismissed.

(MANOJ BAJAJ)
JUDGE

07.07.2021
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No