

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39485-2021

Date of decision-05.10.2021

KULWINDER SINGH @ GAGGU

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. KBS Mann, Advocate for the petitioner.

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

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 101 dated 17.06.2021 under Section 15 NDPS Act, 1860 registered at Police Station Vairo Ke, District Fazilka.

The FIR was registered on the statement of ASI Surinder Kumar and the allegations as noticed by the Judge, Special Court, Fazilka in the order dated 23.08.2021 are as under:

“The present FIR was registered at the instance of ASI Surinder Kumar No.612/Fzk on the allegations that on 17.06.2021, he alongwith other police officials was present in the area of Shaheed Udham Singh Chowk, Jalalabad, that there he received a secret information that Rajpal Singh (non-applicant) alongwith Kulwinder Singh applicant were habitual of selling poppy husk and on the same day they were present in the tubewell room constructed in their fields alongwith heavy quantity of poppy husk. It was further reposed that if immediately raid is conducted, they could be arrested with heavy quantity of poppy husk. Finding the information to be trustworthy, Ruqa was prepared, on the basis of which, present FIR was registered. Thereafter, raid was conducted at the

place disclosed in the secret information and from the side of the accused, 300 kg of poppy husk was recovered”

Learned counsel for the petitioner has argued that the weighing scale along with alleged contraband (300 kgs poppy husk) was recovered from his brothers namely Rajpal @ Vicky and Kulwant Rai @ Sajan, both sons of Harjeet Singh and they were arrested on the spot. According to him, the petitioner was neither present at the spot nor any recovery was effected from him, who has been falsely implicated in the above FIR. He submits that in the given facts the custodial interrogation of the petitioner may not be necessary, as he is ready to join the investigation. He prays for anticipatory bail.

The prayer is opposed by learned State counsel assisted by SI Sachin on the ground that the petitioner was also named in the secret information and the recovery of contraband was made from the room constructed in the agricultural land possessed by the brothers. According to him, the petitioner is equally involved in commission of the above crime, who is also involved in other cases of similar nature as well.

After hearing the learned counsel for the parties, this court finds that as per prosecution 300 kgs. poppy husk was recovered from the fields possessed by the accused persons and the said quantity is commercial in nature. During the course of hearing, it has been admitted by learned counsel that the land in question is in possession of the brothers, though, it stands in the name of their mother. Merely, because the petitioner was not found present at the time of recovery, it cannot be inferred that he is not involved in the alleged crime. The custodial interrogation of the petitioner seems to be necessary for effective investigation.

In view of the above, no case is made out for grant of extra ordinary conession of pre-arrest bail to the petitioner.

Dismissed.

05.10.2021

Vipin kumar

(MANOJ BAJAJ)
JUDGE

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