

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

202

CRM-M-52999-2019

Date of Decision: 17.08.2021

Nachhattar Singh @ Ghota

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Surinder Garg, Advocate, for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.253 dated 30.11.2019 at Police Station Kotbhai, District Sri Muktsar Sahib, under Section 15 of the NDPS Act.
2. As per the case of the prosecution, during the course of patrolling the police party noticed a person, who was carrying a plastic bag and upon seeing the police party got perplexed and threw the plastic bag and ran away from the spot. It is further the case of the prosecution that upon search of the said bag, poppy-husk weighing 3 Kgs. 800 gms. was recovered. It is further the case of the prosecution that ASI Harjit Singh identified the said person as Nachhattar Singh @ Ghota.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that he was never

ever arrested at the spot and that in these circumstances, no weightage can be given to the claim of the police that one ASI had identified him at the spot.

4. Opposing the petition, learned State counsel upon instructions has submitted that the ASI in question was able to identify the petitioner, as he happens to be involved in 6 other cases although he has been acquitted in 5 of such cases. Learned State counsel has, however, informed that the petitioner pursuant to passing of order dated 07.01.2020 has since joined investigation and is not required for any custodial interrogation and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that it is a case of recovery of intermediate quantity of poppy-husk, wherein the petitioner was not even arrested at the spot and while also noticing that the petitioner has already joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 07.01.2020 are hereby made absolute subject to the condition that the petitioner shall join 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.

17.08.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**