

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

CRM-M-502 of 2022

Date of decision: 10.01.2022

Balwinder Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Imran Farooqi, Advocate for the petitioner.
Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No.148, dated 27.06.2021, under Sections 15 and 29 of the NDPS Act, 1985 registered at Police Station Lehra, District Sangrur.

Brief facts of the case are that on receiving a secret information, 12 persons including the petitioner were habitual of selling poppy husk and were transporting the same, in truck No.PB-06M-2777 for distribution through Skoda Rapid car No.PB-13AE-3939 and other vehicles. On the basis of information, Kuldeep Singh, Krishan Kumar and Gurcharan Singh @ Poly were apprehended by the police party along with truck from which 500 kgs of poppy husk was recovered. While co-accused Mandeep Singh @ Deep, Hari Singh @ Chimnu, Boota Singh and Jarnail Singh @ Tony were apprehended by the police party along with the Skoda Rapid car from which 100 kgs of poppy husk was recovered.

The petitioner was granted interim bail vide order dated

8.11.2021 subject to joining investigation.

On 26.11.2021, learned counsel for the State on instructions informed the court that the petitioner has not joined the investigation.

Learned counsel for the petitioner sought permission to withdraw the petition. The petition was dismissed as withdrawn on 26.11.2021.

This second petition is filed seeking pre-arrest bail. In the pleadings of the petition, no reason for the petitioner not joining the investigation has been mentioned.

Learned counsel for the State on instructions submits that the petitioner is involved in four more FIRs. Three under the NDPS Act, 1985 and one under the Punjab Excise Act, 1914, due to his involvement in other FIRs, he did not join the investigation.

On a specific query of the court from learned counsel for the petitioner as to whether the petitioner has been granted pre-arrest bail in other cases, his answer is in negative. He is not in a position to state that at present the petitioner would be able to join the investigation.

No case is made out for entertainment of the second petition for anticipatory bail as the petitioner is not in a position to join the investigation even today.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

10th January, 2022
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1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No