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

CRM-M-7949-2022

Date of decision:09.05.2022

JIWAN SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Prince Pushpinder Rana, Advocate for
Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.18 of 09.02.2022, registered at Police Station Joga, District Mansa, wherein offences constituted, under Sections 15, 29 of NDPS Act, are embodied.
2. This Court, through an order made, on 24.02.2022 had granted ad-interim bail to the present bail petitioner.
3. In FIR (supra), recovery of 10 kg of poppy husk was effected at the crime site, from the purported conscious, and, exclusive possession of co-accused Sindi Kaur. The above co-accused or the principal accused in a disclosure statement recorded by the investigating officer concerned, named the present bail petitioner to be supplier of the above quantity of poppy husk, to her.
4. The learned State counsel, on instructions given to him, by ASI Amrik Singh submits, that since weight of the afore made recovery, at the crime site, from the purported conscious, and, exclusive possession of principal accused one, Sindi Kaur, makes it fall within the ambit of small quantity thereof.

Consequently, thereons the rigors of Section 37 of the NDPS Act are not applicable, and, hence the present bail petitioner becomes entitled to his being admitted to anticipatory bail.

5. As a sequel and, also when no evidence becomes placed on record by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence.

6. In summa the order as made, by this Court, on 24.02.2022, is made absolute on the same terms and conditions. However, subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into offences mentioned in the present FIR. In addition, he shall not tamper with prosecution evidence nor shall influence the prosecution witnesses.

7. Disposed of.

(SURESHWAR THAKUR)
JUDGE

09.05.2022

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Whether speaking/reasoned:- Yes/No

Whether reportable: Yes/No