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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24871-2022 (O&M)
Date of Decision:01.06.2022

Saudagar Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Anantdeep Singh Sandhu, Advocate for the petitioner.

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Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.34 dated 11.05.2022 registered under Sections 15/22 NDPS Act, 1985 at Police Station Kheri Gandian, District Patiala, who apprehends his arrest at the hands of Police.

As per prosecution, the recovery of 4 kgs of poppy husk and 340 intoxicating tablets was made from accused Badal Singh, who was travelling on a motorcycle along with his accomplice. Accused Badal Singh was arrested on the spot, whereas another person had managed to escape.

Learned counsel for the petitioner has argued that the recovery of contraband (4 kgs poppy husk and 340 intoxicating tablets) was effected from co-accused Badal Singh and the petitioner has been falsely implicated. He submits that the alleged recovery would fall within non-commercial quantity, therefore, in this background, the custodial interrogation of the petitioner may not be necessary. He prays for anticipatory bail.

During the course of hearing, it is not disputed by learned counsel

that the petitioner is brother of co-accused Badal Singh and as per prosecution, he was driving with his brother on two wheeler and had managed to escape.

After hearing the learned counsel and considering the above background, particularly petitioner's conduct, this Court is not inclined to extend the extraordinary concession of pre arrest bail to the petitioner, as he is also involved in another case of similar nature i.e. FIR No.77/2020, registered under Sections 15/61/85 NDPS Act, at Police Kheri Gandian, Patiala. Thus, considering the seriousness of the offence, the custodial interrogation of the petitioner may be necessary.

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out to extend the concession of pre arrest bail to the petitioner.

Dismissed.

01.06.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No