

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M-36924 of 2022

Date of decision :August 22, 2022

Gursharan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. D.S. Virk, Advocate
for the petitioner.

Pankaj Jain, J (oral).

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0143 dated 07.07.2022 under Section 15 of the NDPS Act, 1985 registered at Police Station Samana, District Patiala.

As per the allegations made in the FIR:-

“SHO Sadar, Samana, Fateh today I ASI along with HC Amrinder Singh 2216/PTL, SC Sukhdev Singh 1004, SC Ramandeep Singh 3315 were roaming in the circle Samana, Patran for searching the bad persons and also for special movement for recovery under the NDPS Act in connection with mobile Nakabandi and patrolling on Govt. vehicle bearing No.PB-65K-2442, driven by SC Harvinder Singh 1842, having laptop and printer, at about 2.15 p.m. I ASI along with police party reached in between village Dhanetha and Village Jaura Majra and we saw a white coloured car coming towards us from village Jaura Majra side in a very high speed, I stopped my vehicle and we alighted from the same and we signaled to stop the car coming towards us but the driver took turn of his car on driver side and drove it fast on the un-metalled path, to seeing the police party ahead. We chased the above mentioned white coloured car make Jeta Wolkswagon car bearing No.HR-26CD-8011 on our Govt. vehicle and at about ½ kilometer, as

the un-metaleed path was closed, they started running after leaving the car. Then we apprehended driver of the car and the other person who was sitting on the conductor seat succeeded to run away from the spot. The apprehended person told his name as Nishan Singh son of Wassan Singh r/o village Dabankheri, Tehsil Guhla, District Kaithal and he told the name of the person ran away from the spot as Gursharan Singh son of late Gurnam Singh r/o village Dabankheri, Tehsil Guhla, District Kaithal. Then on asking w.r.t.the reason for leaving the car and running away, driver of the car told that we have poppy husk in heavy quantity in a Car.”

The recovery of 150 kgs of poppy husk was made from the car.

Learned counsel for the petitioner refers to various photographs (Annexure P-3) to contend that at the relevant point of time i.e. at about 2.15 p.m as mentioned in the FIR, it is evident that the petitioner was present at Judicial Court Complex, Guhla, District Kaithal and thus, the possibility of him being in the car is ruled out.

It is a case wherein commercial quantity i.e 150 kgs of poppy husk has been recovered from the car. So far as the reliance on photographs is concerned on the basis of which plea of *alibi* is sought to be raised, it is a matter of trial.

In view of Section 37 of the NDPS Act, 1985 no ground for grant of anticipatory bail to the petitioner is made out.

The present petition stands dismissed.

(PANKAJ JAIN)
JUDGE

August 22, 2022

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Whether speaking/reasoned

Yes

Whether Reportable

Yes/No