

102

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57939-2022

DECIDED ON: 13th DECEMBER, 2022

RACHPAL SINGH

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Mandeep Singh Bains, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

By way of instant petition, the petitioner has invoked the jurisdiction of this Court for grant of anticipatory bail in case FIR No. 128, dated 30.06.2022, under Section 15 of the NDPS Act, 1985, registered at Police Station City Samana, District Patiala.

Learned counsel for the petitioner has contended that the petitioner was not apprehended at the spot and the mobile phone which is being referred by the prosecution belongs to one Sonu and it does not belong to him. It is asserted that no recovery has been effected from the present petitioner.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab

accepts notice on behalf of respondent-State. He, on instructions from SI

Amandeep Kaur, Police Station City Samana, District Patiala submits that though admittedly, the recovery was not effected from the petitioner but 240 Kgs of poppy husk was taken into possession from the truck bearing registration No. PB-11-AQ-9485, which was being driven by Butta Singh and Sukhbir Singh was accompanying him in the said truck. He contends that the name of the petitioner has been nominated on the basis of disclosure statement made by Sukhbir Singh, who categorically stated that he was escorting the said truck in his own vehicle. He has also pointed out that the mobile phone or Sim number alleged to be used in the name of Sonu only belongs to the petitioner, who is also known as Sonu. He submits that the petitioner has already been convicted in a similar offence.

In the light of the afore-said discussions and submissions made by the learned State counsel coupled with the facts that the commercial quantity has been recovered from the truck; he has already been convicted for similar offence, the petitioner does not deserve the concession of pre-arrest bail.

Accordingly the present petition, being devoid of any merits, stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

13th DECEMBER, 2022.

sham

- | | |
|---------------------------------|----------|
| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |