

CRM-M-34988-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34988-2023 (O & M)

Date of decision:05.09.2023

Amritpal Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Joginder Pal Devgan, Advocate,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.29 dated 16.04.2023 under Sections 18, 29, 61 and 85 of the NDPS Act, 1985 and Section 25 of the Arms Act, 1959 registered at Police Station Khem Karan, District Tarn Taran.

2. The brief facts of the case are that on the basis of a secret information received, a raid was conducted at the house of Amritpal Singh (petitioner) and Kulwant Singh where one old-aged person and a young person were found sitting on a cot in the *Veranda*. A female purse was seen lying near them. On seeing the police party, the young person ran away through the *Veranda* of the house while the old person was arrested and disclosed his name as Kulwant Singh. The recovery of 01 kilo opium and 54 live cartridges of 315 bore was effected. The person who ran away from the spot was identified as Amritpal Singh (petitioner).

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3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. The recovery of 01 kilo of opium and 54 live cartridges could not be connected with the petitioner. As nothing was to be recovered from the petitioner and he was ready and willing to join the investigation, he was entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed a reply dated 04.09.2023 by way of affidavit of Preetinder Singh, PPS, Deputy Superintendent of Police, Sub Division Valtola, Camp at Bhikhiwind, District Tarn Taran and the same is taken on record. While referring to the contents of the reply, he contends that the house in question belongs to the petitioner. The recovery of opium as well as 54 live cartridges was effected from the said house. Though the petitioner managed to flee away from the spot, he was duly identified. The allegation against the petitioner and his maternal grand-father/Kulwant Singh are that they were indulging in the sale of contraband. Therefore, keeping in view the nature of the allegations and the recovery effected, the petitioner was not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. Admittedly, the house in question belongs to the petitioner. When the raid was conducted, he alongwith his maternal grand-father were found to be present at the spot. However, on seeing the police party, the petitioner managed to escape while his maternal grand-father came to be arrested. From a ladies purse lying near them, the recovery of 01 kilo opium alongwith 54 live cartridges of 315 bore came to be effected.

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7. Keeping in view the nature of the allegations levelled against the petitioner, he is not entitled to the concession of bail. Therefore, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

September 05, 2023
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No