

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-18593-2024(O&M)
Date of Decision:- 09.05.2024

BALVINDER @ BALVINDER SINGH

Versus

....Petitioner(s)

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. P.S. Sekhon, Advocate for the petitioner.
Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

Status report dated 03.05.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Ellenabad, District Sirsa is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Arguments heard.
3. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
67	01.03.2024	15-C and 29 of the NDPS Act	Ellenabad, District Sirsa

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He



submits that there is nothing on record to connect the petitioner with the alleged recovery. He further submits that the recovery of contraband has already been effected from the co-accused and he is ready to join investigation, hence, prayed for grant of anticipatory bail.

4. On the other hand, learned State counsel while referring to the status report submitted by the State has stated that petitioner was in fact driving the car wherefrom 54 kg of poppy husk in 3 bags, each containing 18 kgs, were recovered. It is submitted that at the time of apprehension, the petitioner ran away from the spot, while co-accused Parhlad Singh was apprehended by the police and from the search conducted in accordance with law, 54 kg of poppy husk was recovered from the car. He submits that there is specific disclosure statement of co-accused Parhlad Singh, which is annexed with the status report as Annexure R-1, to the effect that the said car was driven by the present petitioner. It is submitted that during the course of investigation, it has further cropped up that the car in question belongs to the petitioner, having been purchased from its registered owner Uday Pal Singh vide affidavit dated 12.05.2023 and even the mobile phone of the petitioner, which had fallen down at the time of his running away, also found to be used by him. It is submitted that custodial interrogation of the petitioner is required to unearth the *modus operandi* as such prayed for dismissal of the petition.

5. After considering the rival contentions and perusing the record, it transpires that on 01.03.2024, the police, while being on patrol duty, signalled a car to stop but instead of stopping the car, the driver of the car



accelerated the speed and struck into the tree and taking benefit of darkness, ran away from the spot. The co-accused Parhlad Singh was apprehended along with the car, who was sitting on the conductor seat. From the search of the car, 54 kg of poppy husk was recovered. Co-accused Parhlad Singh was arrested and subsequently during the course of investigation, he made a disclosure statement naming the petitioner to be the driver of the car. The police investigated about the same and came to the conclusion that the car in question was purchased by the petitioner vide affidavit dated 12.05.2023 annexed with the status report as Annexure R-2. It has also come in the disclosure statement of co-accused Parhlad Singh that he along with the petitioner were dealing in the business of purchasing contraband from Madhya Pradesh and selling it off. Furthermore, the recovery effected in the case is commercial in nature.

6. In these circumstances, considering the nature and gravity of offence, custodial interrogation of the petitioner is required to unearth the *modus operandi* and it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

09.05.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No