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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30405-2024
Date of Decision:- 07.08.2024

BALBIR SINGHPetitioner

Vs.

STATE OF PUNJAB ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Abhaysher Singh, Advocate for petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioner – Balbir Singh has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.30 dated 25.05.2024 under Section 15 NDPS Act registered at Police Station Sadar Abohar, District Fazilka.
2. As per the facts of case, on 25.05.2024 SI Gurdeep along with police party was on patrol duty. He was 200 meter away from Buraj Muhar, Ruhrian Wali road when they saw one motorcycle coming from opposite direction who was carrying plastic bag. On seeing police party he tried to turn back but his motorcycle slipped on the road and he fell down. Rider of the motorcycle managed to escape. Motorcycle and the plastic bag were taken into police possession from which 10 kg poppy husk was



recovered. On the basis of aforesaid allegations, present FIR was registered.

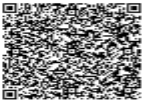
3. Learned counsel for petitioner argued that he is falsely implicated in this case. It cannot be believed that petitioner managed to ran away in the presence of police party. No further recovery is to be effected from him. He is ready to join the investigation. Therefore, anticipatory bail application may be allowed.

4. Bail application is opposed by learned counsel representing State on the ground that present petitioner was identified on the spot but he managed to escape. He is involved in two other FIRs of similar nature registered under NDPS Act. Therefore, he is not entitled to the concession of anticipatory bail.

5. I have considered the arguments. As referred above, motorcycle and 10 kg poppy husk were recovered on the spot. Said recovery falls in non-commercial quantity. Other FIRs registered against petitioner will be decided on its own merits. No purpose would be served by sending petitioner behind bars.

6. Considering the aforesaid factual position, anticipatory bail application filed by petitioner is allowed. In case petitioner is arrested, he be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer subject to the condition that petitioner will join the investigation as and when required. He will not tamper with or interfere with the investigation and will not leave the country without prior permission as provided under Section 438 (2) Cr.P.C.

7. The petition is accordingly accepted.



8. Pending miscellaneous application(s), if any, stand disposed of accordingly.
9. My observations are made for the disposal of this petition and it will have no bearing on merits of case.

07.08.2024
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(AMARJOT BHATTI)
JUDGE

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