

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21882 of 2015
Date of decision: July 16, 2015

Jaz Singh

.... Petitioner..

Versus

State of Haryana

.... Respondent..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.S. Budhwar, Advocate,
for the petitioners.

Mr. D.R. Singla, D.A.G., Haryana,
for respondent-State.

Jaspal Singh, J.

This petition has been preferred by Jaz Singh under Section 438 of the Code of Criminal Procedure (for brevity, 'Code') seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No. 254, dated 04.06.2015, under Sections 15, 20, 25, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'Act') and Sections 27-A, 29 of the Act (added later on), registered at Police Station Gharaunda, District Karnal.

2. As per the case of prosecution, ASI Narain Dass accompanied by some other police officials coming towards Gharaunda side from village Kohand in connection with patrolling and detection of crimes. When the police party reached near the passage, which leads to village Malikpur towards western side from GT Road, a truck was found

standing in front of the service lane, where three persons were seen while removing the 'TIRPAL' from the truck. When they were spotted by police, they tried to alight from the truck. On the basis of suspicion, all three persons namely Ajaib Singh @ Jaibi, Pargat Singh @ Bagga and Kulvinder Singh @ Kinda were apprehended by ASI Narain Singh with the help of other police officials. They were served with notice under Section 50 of the Act and on search, truck was found containing 22 plastic bags of poppy husk, out of which 20 bags on weighment came to 24 kg and 800 gms. each whereas two bags were found containing poppy husk weighing 14 kgs and 800 gms each.

However, case of prosecution is that petitioner was not present at the spot nor anything was recovered from him. However, during investigation of this case, his co-accused disclosed that petitioner has purchased two bags of poppy husk from him but nothing has been recovered from him at the spot or subsequent thereto. Disclosure statement, if any, suffered by co-accused of the petitioner against him is admissible or not is a debatable question. Even otherwise, petitioner is the owner of truck, in question, who has categorically stated that Kulvinder Singh @ Kinda was employed by him as a driver and he must have indulged in illegal activities.

Without expressing any opinion on the merits of the case and considering the above referred facts, this Court deems it a fit case to grant the concession of pre-arrest bail. Accordingly, petition is allowed and petitioner is directed to join the investigation on 28.07.2015. In the event of arrest, petitioner shall be released on pre-arrest bail at the

satisfaction of the Arresting Officer/Investigating Officer subject to the conditions, as envisaged under section 438(2) Cr.P.C.

Petitioner is further directed to submit his passport, if any, before the trial court, within a period of 10 days of his release and if he is not holder thereof to furnish an affidavit in this regard before the trial court/jurisdictional Magistrate.

July 16, 2015
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(JASPAL SINGH)
JUDGE