

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-3895 of 2017

Date of Decision:17.03.2017

Jagroop Singh @ JP

.....PETITIONER

Vs.

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.S.S.Sidhu, Advocate for the petitioner.

Mr.Sidakmeet Singh Sandhu, AAG, Punjab.

AMOL RATTAN SINGH J. (ORAL)

This petition has been filed under Section 439 Cr.P.C., seeking 'regular bail' to the petitioner, in case FIR No.23 dated 05.05.2016, for the alleged commission of offences punishable under Section 22 of the NDPS Act, Section 25 of the Arms Act and Sections 379, 411, 34 IPC, registered at Police Station, Talwandi Chaudhrian, District Kapurthala.

Learned counsel for the petitioner submits that as per the allegation stated in the FIR, the petitioner was sitting pillion on a motorcycle driven by another person, also named Jagroop Singh @ Roop, from whom a pistol of .315 bore is stated to have been recovered, with two live cartridges in it; and from the motorcycle, a packet containing intoxicant powder subsequently identified as *Dyphenoxylate Hydrochloride* weighing 270 grams, was allegedly recovered.

He submits that firstly, the motorcycle does not belong to the petitioner and secondly, neither were the petitioner and his co-accused produced before a Magistrate or a Gazetted Officer, even though there were

five people in the police party, who are stated to have come on a government vehicle. Further, the sampling is also not shown to be done before a Magistrate.

Keeping in view the above, there would, prima facie, be a violation of the directions of the Supreme Court, given in the judgment passed in **Union of India Vs. Mohanlal and another, 2016(1) R.C.R. (Criminal) 858**, but without making any final comment on the aforesaid issue, which would be subject matter of consideration before the trial Court, if a 'challan' is presented before it, I consider it appropriate to admit the petitioner to bail.

Accordingly, this petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Kapurthala.

**(AMOL RATTAN SINGH)
JUDGE**

17.03.2017

Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No