

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-10362-2018

Date of decision : 03.05.2018

Jaswinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.R.S.Randhawa, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab.

AMOL RATTAN SINGH, J.(ORAL)

Mr. Randhawa, learned counsel for the petitioner, firstly points to the fact that two FIRs within a span of 3 minutes were registered at the same police station, bearing FIR no. 180 and FIR no.181 of 08.08.2017, the first alleging that the petitioner and his co-accused were travelling in a car carrying 5 bags of poppy husk, with the petitioner and another co-accused stated to have run away on the vehicle being stopped by the police, but with one Navjot Singh @ Jyoti having been apprehended in the car.

The second FIR (no.181), is stated to have been registered upon secret information having been received, that if the petitioners' home is raided, poppy husk, arms and ammunition would be recovered from there.

Thereafter an FIR is stated to have been registered and the house of the petitioner raided, with 271 kgs. of poppy husk stated to have been recovered from the house, along with some arms and ammunition.

Mr. Randhawa, submits that obviously in neither of the two

cases was the petitioner arrested at the spot and in fact (as per the contention raised), the petitioner is being falsely implicated because he is pursuing the cases registered against his brother, by filing various petitions before the Punjab Human Rights Commission etc.

Learned counsel next points to the order of the Judge, Special Court, Ludhiana, dated 16.02.2018, declining bail to the petitioner, with it recorded in paragraph 5 of the order as follows:-

“From the perusal of FIR, the present case was registered against the accused/applicant on the allegations that on 08.08.2017 on secret information accused Jaswinder Singh was apprehended while he was having six bags containing 40/40 Kgs. of poppy husk one bag containing 15 Kgs. and other bag containing 16 Kgs. of Poppy husk, total 271 Kgs. of poppy husk without any licence or permit. The said recovery falls within the category of commercial quantity and thus Section 37 of the NDPS Act get attracted.”

Obviously the Judge of the Special Court has taken it that the petitioner was apprehended while in active possession of 271 kgs. of poppy husk, the words used being that “accused Jaswinder Singh was apprehended while he was having six bags”

Upon query to learned State counsel, she submits that out 13 prosecution witnesses only one prosecution witness has been examined so far.

Keeping in view the entire set of circumstances, without

making any comment on the actual merits of the case, against or for the petitioner, I consider it appropriate to admit him to bail, upon his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court, he already having been in custody for the past more than 7 months.

Ordered accordingly.

A copy of this order be sent to learned Administrative Judge of Patiala Sessions Court.

(AMOL RATTAN SINGH)
JUDGE

May 03, 2018.
Davinder Kumar

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