

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

CRL. MISC. No.M-20670 OF 2018 (O&M)
DATE OF DECISION : 7th SEPTEMBER, 2018

Jaspal Singla @ Jas

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Satish Goel, Advocate and
Mr. Nitin Sherwal, Advocate for the petitioner.

Mr. H. S. Grewal, Additional Advocate General, Punjab.

Mrs. Tanisha Peshawaria, DAG Haryana.

Mr. J. S. Toor, APP for UT Chandigarh.

Mr. D. D. Sharma, Advocate for NCB, Chandigarh.

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A. B. CHAUDHARI, J. (ORAL)

This is second petition filed by the petitioner seeking regular bail in case FIR No. 0038 dated 02.04.2017 registered under Sections 22/61/85 of the NDPS Act, at Police Station Tapa Mandi, District Barnala.

Heard learned counsel for the rival parties.

The petitioner was arrested in this case on 02.04.2017 and in jail since then. It is not in dispute that there is no other case pending against the petitioner under the NDPS Act. It is also not in dispute that the decision made by the Apex Court on 16.08.2018 in the case of ***Mohan Lal Versus The State of Punjab*** passed in Criminal Appeal No.1880 of 2011 would have application in the present case.

In that view of the matter, I am inclined to grant bail to the petitioner. Hence, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-20670 OF 2018 is allowed.
- (ii) The petitioner is ordered to be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner shall give undertaking before the trial Court along with copy to the police station concerned, within a period of two weeks from the date of his release, that he will not indulge in any/such type of offence in future.
- (iv) The petitioner shall not tamper or influence the prosecution witnesses in any manner.
- (v) The petitioner to surrender his passport with the trial Court, if he possesses the same.

Pursuant to order dated 31.08.2018, the States of Punjab and Haryana have tendered affidavits of: (i) Sh. Sarabjit Singh, PPS, Assistant Inspector General of Police, Litigation, Bureau of Investigation, Punjab, Chandigarh dated 04.09.2018 (ii) Sh.Baljit Singh Sandhu, IPS, Director General of Police, Haryana, Panchkula., respectively to show the compliance.

The gist of the order is to sensitize the police officers at the lowest level as to exactly what the officer should do and should not do in terms of decision of Apex Court in the case of ***Mohan Lal (supra)*** passed by three Judges' Bench by circulating them the exact directions. However, these affidavits show that the officers are directed to follow the judgment of the Apex Court. It is very easy to ask them to read the Supreme Court's judgment. This is nothing but shirking of

responsibility, insensitivity of the duty to the public and non-application of mind despite huge payment of salaries.

This Court deprecates the attitude of the concerned and grants time to make proper compliance by the next date.

Mr. D. D. Sharma, Advocate for Narcotics Control Bureau, Chandigarh has produced the office order dated 04.09.2018 which is taken on record. In view of the high ranking officers working in the NCB, nothing further is required to be done.

Mr. J. S. Toor, Additional Public Prosecutor, Chandigarh prays for time to place on record the compliance report on affidavit.

In view of the above, the matter be posted on **28.09.2018** for compliance of order dated 31.08.2018.

7TH SEPTEMBER, 2018
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>