

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39845-2018 (O&M)

Date of decision: 17.09.2018

Tarlochan Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Suresh Kumar Arya, Advocate for the petitioner
Mr.V.G.Jauhar, Sr.DAG Punjab

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

This is first application filed by the petitioner for regular bail Section 439 Cr.P.C. In FIR No.01 dated 17.6.2018 under Sections 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 and under Sections 420, 465, 468, 471 IPC registered at Police Station Patara, District Jalandhar (Rural).

As per version given in the FIR, the police received an information that Davinder Singh @ Dev, Gurbakhash Singh and Tarlochan Singh are doing the smuggling of opium, heroin and intoxicant in iron kadai (caldron) and sending it to foreign country Canada through courier of Kamaljeet Singh. They sent opium and Ketamine putting in Kadai (caldron) by preparing parcel through courier to Canada to Kamaljit Singh. Ajit Singh and Davinder Singh are making wrong ID of Gurbakhash Singh. The information was that today they are opening the parcel of iron kadai

(caldron) separating the opium and Ketamine along with packing articles and that they are sitting in vehicles bearing registration no.RJ-13-CB-0504 and PB-08-CQ-3360 Micra Nissan. On conducting the raid, from the first vehicle i.e. bearing registration no.RJ-13-CB-0504, the said opium and Ketamine was recovered.

The allegations are that the present petitioner Tarlochan Singh was sitting in the second car, which was coming behind the first car bearing registration no.RJ-13-CB-0504. No recovery of narcotic was effected from the second car, though police alleged that some forged documents were recovered from the second car. Therefore, at this stage, there are no allegations of alleged recovery of Narcotic drugs or Psychotropic Substance from the present petitioner. Therefore, at this stage, it is doubtful, as to whether Section 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 will be attracted qua the present petitioner. Petitioner is in custody since 17.6.2018.

Therefore, without commenting anything on merits of the case, petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.1,00,000/- with one surety of the like amount to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Jalandhar.

Petition stands allowed.

17.09.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No