

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-25600 of 2018 (O&M)

Date of Decision: 13.09.2019

Jaswinder Singh alias Jassa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ashish Aggarwal, Advocate, for the petitioner.
Mr. Rajat Bansal, AAG, Punjab

Amol Rattan Singh, J. (Oral)

By this petition, filed under the provisions of Section 439 Cr.P.C., the petitioner seeks the concession of 'regular bail'.

Pursuant to the order of this Court dated, 19.08.2019, Sh. Harbhajan Singh, Deputy Superintendent of Police, (now stated to be retired) is present in Court. Though he has instructed the learned State counsel with regard to his cross-examination, what he has stated is not being reproduced in this order, in view of the fact that the trial is still underway and anything stated in this order would obviously influence the trial one way or the other.

Be that as it may, though learned counsel for the petitioner has again pointed to the fact that the said DSP in his cross-examination admitted that the petitioner and his co-accused had already been searched by the arresting officer prior to the DSP having reached the spot, the fact remains

that from the petitioner and his co-accused, Rs.59,49,000/- were recovered in cash (with Rs.54000/- stated to be fake currency out of the said amount, as per the case of the investigating agency), and the recovery of the contraband from the co-accused of the petitioner, being 600 grams of heroin, and further, as out of the 13 prosecution witnesses 9 have been examined, without making any comment on the actual merits of the case, I see no reason to entertain this petition.

Consequently, the petition is dismissed.

However, nothing stated hereinbefore or in the earlier orders passed by this Court shall be considered by the trial court at the time of passing of the judgment in the trial, with all such observation treated to be in the context only of a petition seeking bail.

The DCP concerned in Amritsar, under whose jurisdiction the Police Station State Special Operation Cell, District Amritsar, falls, is directed to ensure that the remaining witnesses as are police officials (stated to be 3 in number), positively appear and testify before the trial court as and when summoned, failing which the petitioner would be at liberty to bring to the notice of this Court that the witnesses are not appearing despite summons issued by the trial court.

A copy of this order be given to the learned State counsel under signatures of the Reader of the Bench.

13.09.2019
vcgarg/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: no