

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

CRM-M No. 21046 of 2019
Date of decision : May 28, 2019

Jagdeep Singh

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Atul Goyal, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG Punjab

Ajay Tewari, J (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No.68, dated 12.4.2017, registered under Sections 22/25 of the NDPS Act, at Police Station Machhiwara, District Khanna.

As per the FIR, the police was present at the roundabout of village Bhatian when one car came which was stopped. The driver got out of the car and started running but was apprehended and turned out to be the petitioner. On search, 60 grams of intoxicating powder was recovered from him. Since FSL report was not received, the petitioner was granted interim bail. Now the FSL report has been received, as per which the seized

material is contraband and that is how the petitioner is before this Court seeking anticipatory bail/extension of interim bail.

Counsel for the petitioner has argued that during this time, the petitioner was in contact with one ASI Keemti Lal and has placed on record a video CD where a lengthy conversation has taken place between the petitioner and the said ASI Keemti Lal. During this conversation, ASI Keemti Lal is alleged to have demanded ₹ 3,000/- from the petitioner for the purpose of early presentation of challan etc. (to be paid to various functionaries). During the conversation, the said ASI is also alleged to have stated that the recovery made from the petitioner was infact planted upon him. As per the learned counsel, on the basis of this CD, an FIR has been lodged against ASI Keemti Lal and it is, therefore, a case where the contraband has been planted upon the petitioner, and consequently, bail should be granted to him.

Reply by way of affidavit of Devinder Singh, DSP, Sub Division Samrala, Police District Ludhiana has been filed. It has been mentioned therein that an FIR has been lodged against ASI Keemti Lal for demanding and accepting ₹ 3000/- from the petitioner for the purpose of expediting the challan etc.

In my opinion, this CD cannot at this preliminary stage be considered for granting bail to the petitioner. The trial Court would be in a better position to examine the relevance, admissibility and credibility of this conversation but to grant bail to the petitioner at this stage would be pre-judging the issue. In the circumstances, I see no ground to grant the concession of anticipatory bail to the petitioner. Consequently, this petition is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 28, 2019
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No