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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38648-2019

Date of Decision: 31.10.2019

Jarnail Singh @ Jelly

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. C.S. Rana, Advocate for the petitioner.

Mr. Ramandeep Partap Singh, DAG, Punjab

...

Manoj Bajaj, J.

Petitioner Jarnail Singh @ Jelly has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.166 dated 08.08.2019, under Sections 21/22/25 of the NDPS Act, 1985, registered at Police Station Sidhwan Bet, District Ludhiana (Rural).

On 22.10.2019, after hearing learned counsel for the parties, the following order was passed:

Learned counsel for the petitioner has referred to the application dated 02.08.2019 (Annexure P-1) filed by petitioner for grant of pre-arrest bail as he apprehended his false implication in NDPS case. The said application was taken up for hearing on 03.08.2019, whereupon a report from the said Police Station was called. Thereafter, the case came up for hearing on 13.08.2019 and was finally decided on 21.08.2019 by the learned Additional Sessions Judge, Ludhiana. It is not disputed by the learned State counsel that the petitioner was arrested on 08.08.2019 in case FIR No.166 dated 08.08.2019 under Sections 21, 22 and 25 Narcotic Drugs and Psychotropic Substances Act, 1985 Act registered at Police Station Sidhwan Bet, Ludhiana, however, this fact was never brought to the notice of learned Additional Sessions Judge, Ludhiana.

In view of the above, the action on behalf of the Police prima facie appears to be unfair and misleading.

Let Commissioner of Police, Ludhiana examine the FIR and other attending circumstances and explain the Police action, by way of an affidavit on or before the date adjourned, i.e. 31.10.2019.

In response to the above order, a reply on behalf of Sandeep Goel, PPS, Senior Superintendent of Police, Ludhiana (Rural) has been filed, wherein the facts mentioned in the order dated 22.10.2019 have not been disputed. It has been explained that Gurpreet Singh MHC of Police Station Sidhwan Bet, Ludhiana (Rural) without verifying the record submitted a report in the Court of Id. ASJ, Ludhiana that no case has been registered against Jarnail Singh and Manpreet Kaur. On the strength of the said report, the bail application was disposed off as infructuous on 21.08.2019. However, a direction was issued to the police authorities to serve three days prior notice upon the applicant. In the reply, it is mentioned that MHC Gurpreet Singh, has been suspended and is facing departmental enquiry and after completion of the same, appropriate legal action will be taken against him. It is also mentioned that on 08.08.2019, the petitioner was found in possession of 750 intoxicant tablets and 20 grams of heroin and he was arrested on the spot.

At this stage, Mr. C.S. Rana, counsel for the petitioner submits that the petitioner was already before the Court on the ground that he would be falsely implicated and the police has registered a false case against him. He submits that even the Court, where the pre-arrest bail application was pending, was also kept in dark.

Learned State counsel has submitted that the investigation of the case is pending, however, it is not disputed that the petitioner is in judicial custody.

Considering the above background of this case, this Court does not find any valid reason to further detain the petitioner, particularly when he is not involved in any other case. Further, the trial, if any may consume considerable time. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Ludhiana.

The Senior Superintendent of Police, Ludhiana (Rural) is directed to expedite the departmental proceedings against the erring official(s) and upon completion of the same, the conclusion and action taken be intimated to this Court.

31.10.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No