

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9807-2019 (O&M)
Date of Decision:- 2.3.2020

Jaspal Singh @ Pala

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harchand Singh Batth, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in case registered vide FIR No.19, dated 16.2.2018, Police Station Harike, District Tarn Taran, under Sections 307/34 of IPC and under Section 25 of Arms Act and under Sections 21 and 22 of NDPS Act.
2. The case of the prosecution, in nutshell, that on 16.2.2018 the police party during the course of checking saw two persons coming on a motorcycle who were signalled to stop. However, the person who was driving the motorcycle took out a pistol and fired at the police

party hitting the abdomen of Constable Subhpal Singh. Both the persons after throwing their motorcycle ran away from the spot. ASI Baldev Raj identified the driver of the said motorcycle to be Jaspal Singh @ Pala as he was stated to be absconding in several cases and was indulging in sale of intoxicants. The police party however, chased both the said persons and was able to apprehend them. One of them disclosed his name as Jaspal Singh and from whose possession one 32 bore pistol along with 5 live cartridges were recovered. The other person disclosed his name as Randhir Singh from whose possession DDBL Rifle of 32 bore and 2 live cartridges were recovered. It is further the case of prosecution that from the *parna* wrapped around the waist of Jaspal Singh 900 tablets of 'Microlet' and 300 grams of 'Heroin' was recovered. It is also the case of prosecution that even Randhir Singh was found to be carrying 280 grams of 'Heroin' apart from 900 tablets of 'Microlet'.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case since all the recovered tablets were not sent for chemical examination, it cannot be said that the entire recovered quantity was a contraband.
4. Opposing the petition, the learned State counsel has submitted the petitioner was apprehended at the spot and had fired at Constable Subhpal Singh and since huge quantity of contraband had been recovered, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. In the present case, apart from recovery of the contraband including

‘Heroin’, there are specific allegations to the effect that the petitioner had fired at Constable Subhpal Singh, hitting him in his abdomen. It is also the case of prosecution that one pistol of 32 bore and live cartridges were also recovered from possession of the petitioner. In these circumstances, this Court does not find any justifiable ground for grant of bail to the petitioner.

6. The petition is sans any merit and the same is hereby dismissed.

March 2, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No