

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-15392 of 2020

Date of Decision: 06.07.2020

Jaswinder Singh @ Jassi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vishal Aggarwal, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Pursuant to the order dated 17.06.2020, learned counsel for the State submits that the petitioner has joined investigation but is not cooperating inasmuch as he is not giving information as to from where he obtained the contraband.

In that context, it would be appropriate to reproduce the order passed by this court on 17.06.2020, in toto:-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail upon FIR no.0165, dated 26.05.2020, having been registered at Police Station City, Sri Muktsar Sahib, against him, alleging therein the commission of offences punishable under Sections 22, 29 and 61 of the NDPS Act.

Mr. Aggarwal, learned counsel for the petitioner, submits that the petitioner has not been named in the FIR itself, in which it is recorded that one Gurbachan Singh was apprehended with contraband by a police party. Subsequently however, on 29.05.2020, one Soni Kabaali is stated to have made a statement to the effect that the contraband which was possessed by Gurbachan

Singh (as per the case of the investigating agency), was purchased from the petitioner, Jaswinder Singh @ Jassi.

He submits that the petitioner has been falsely implicated at least for the second time, because earlier in FIR no.71 dated 03.06.2018, a similar allegation had been made against the petitioner, with the contraband allegedly having been recovered from another person in that case (one Gurpreet Singh). In the judgment in that case the trial court had commented very adversely upon the fake implication of the present petitioner by the police, on the ground that at the time that the disclosure statement with regard to the petitioner was allegedly made by his co-accused, that co-accused could not have been present with the police, he having been remanded to judicial custody about 2 months earlier.

He submits that the same situation exists even now, with the petitioner having been named by a third person from whom also the contraband is not shown to have been recovered as per the FIR.

Without making any comment on the merits of the case, notice of motion is issued to the respondent-State, with Mr. Bhupender Beniwal, learned AAG, Punjab, accepting notice at the asking of the court, with him having received an advance copy thereof. He seeks time to take instructions in the matter.

Adjourned to 06.07.2020.

In the meanwhile, till the next date of hearing only and specifically at this stage, upon the petitioner joining investigation, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaq/Duty Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.”

Learned counsel for the petitioner submits that obviously when the petitioner is alleging a completely false case instituted against him for the reasons as recorded in the last order, the contention that he is not giving information about the source of purchase of the contraband, is wholly misconceived.

Having considered the matter, without making any comment on the actual merits of the case, but for the reasons already recorded in the order admitting the petitioner to interim bail, this petition is allowed, with the order

dated 17.06.2020 made absolute, on the same terms and conditions.

July 06, 2020
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No