

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

CRM-M No.23277 of 2020 (O&M)

DATE OF DECISION: 28.09.2020

Jagdeep Singh @ Jagjit Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rajiv Kataria, Advocate for the petitioner

..

ALKA SARIN, J.: (Oral)

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.90 dated 28.06.2020 registered under Sections 22/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Tapa Mandi, District Barnala.

Learned counsel for the petitioner has contended that the petitioner has been implicated only on the basis of a disclosure statement of a co-accused. Relying upon a Note dated 28.06.2020 (Annexure P/2) allegedly from the Gram Panchayat, learned counsel for the petitioner has further contended that though as per the Prosecution the car was recovered at the spot, however, it has been stated in the Note (Annexure P/2) that on 28.06.2020, on the basis of suspicion, Village Dhilwan (Patiala) was raided by CIA Staff, Barnala and the Police officials of Tapa Mandi. The Panchayat came to know about the raid and then the Sarpanch, Panch members and other known people assisted the Police. It is further stated in Annexure P/2 that in the presence of the Panchayat and two other people of the area, the residence of Jagdeep Singh, the

petitioner herein, was checked and during the raid Jagdeep Singh was not found present in the house and in the presence of the Panchayat members the police officials took the car of Jagdeep Singh bearing registration “No.DL-3C-AL-2651”.

Mr. Sandhu, Sr DAG, Punjab has filed two status-reports wherein it has been stated that the petitioner was named in the secret information and further that the car was recovered at the spot and not as has been alleged in the petition that the same was recovered on 28.06.2020 from the residence of Jagdeep Singh. Learned State counsel has placed on record the Recovery Memo as Annexure R-2/T as also the status report by way of affidavit of Ravinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Tapa, District Barnala. It has further been stated in the said status report that though the car is not in the name of the present petitioner, however, an affidavit was recovered from the car wherein it has clearly been stated that the car had been purchased by him from one Amrit Pal Singh and that he had applied for transfer of registration of the vehicle in his name.

I have heard the learned counsel for the parties.

The case as set up by the prosecution is that on 28.06.2020 Inspector Baljeet Singh and other Police officials were present in connection with patrolling at Bus Stand Dhilwan where they received a secret information that the co-accused and the petitioner were engaged in selling intoxicant tablets by bringing the same from outside in a Verna car bearing registration No.DL-3CAL-2615. Inspector Baljit Singh sent a Ruqa and further investigation was carried out by ASI Manjit Singh. It is further the case of the Prosecution that while ASI Manjit Singh was present near the common place (Sathh) of Dhilwan the said car was found parked there and the driver of the vehicle, on seeing the Police party, fled from the spot while the person sitting on the rear seat of the car was apprehended who disclosed his name as Amrik Singh and from

his possession 2420 tablets of Clovidol-100SR and currency notes worth Rs.5,000/- were recovered.

A perusal of the petition as well as the two status reports filed by learned State counsel *prima facie* reveals that the petitioner, who was an occupant of the car bearing registration No.DL-3C-AL-2615, fled from the spot on seeing the Police party. Further, the question as to whether the car was recovered at the spot or at a later point of time in the presence of the Panchayat members is a question which would be gone into during the course of the trial.

In view of the fact that the intoxicant tablets were recovered from the car, which allegedly belongs to petitioner, and the fact that the petitioner was also named in the secret information, I do not deem this to be a fit case for grant of anticipatory bail.

The petition is accordingly dismissed.

**(ALKA SARIN)
JUDGE**

28.09.2020
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
