

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-46368 of 2019 (O&M)

Date of decision : 9.1.2020

...

Joga Singh @ Karam Singh @ Karma @ Ammy @ Sonu

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Kushaldeep S. Sandhu, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Deputy Advocate General,
Punjab.

...

H. S. Madaan, J. (Oral)

This application for pre-arrest bail has been filed by Joga Singh @ Karam Singh @ Karma @ Ammy @ Sonu, in FIR No. 148, dated 31.7.2019, for offence under Section 21 of the NDPS Act, 1985, (hereinafter referred to as 'the Act'), registered at Police Station City, Khanna, District Ludhiana.

As the prosecution story goes, on 31.7.2019, the police officials of Narcotic Cell at Khanna, had intercepted a car bearing registration No. HR-55W-8632, near Pristine Mall, G.T. Road, Alour Khanna, at about 11.30 A.M. The car was being driven by one

Amit Mongia and a woman namely Eva Dass w/o Rishi R., resident

of Tejpur, Police Station Sadar Tejpur, District Sonetpur Assam, now resident of Chander Bihar Sunday Market, New Delhi, was sitting on the rear seat. The search of the bag being carried by Eva Dass revealed contraband in the form of 1 kg 260 grams of Heroin. Formal FIR was registered. Eva Dass – accused was arrested in this case. During the course of investigation, Eva Dass disclosed that she was going to deliver the recovered Heroin to Karam Singh @ Karma @ Ammy @ Sonu son of Balwinder Singh resident of village Lattian, Police Station Sultanpur – present petitioner. Such petitioner had preferred an application for pre-arrest bail before Judge, Special Court, Ludhiana, but that was declined. Now he has approached this Court by way of filing similar petition, notice of which was given to the State.

The State has filed written response in the form of short affidavit of Mr. Rajan Parminder Singh, PPS, Deputy Superintendent of Police, Investigation Police, Khanna, District Ludhiana, giving its version.

I have heard Learned counsel for the petitioner and State counsel, besides going through the record.

Learned counsel for the petitioner has contended that the petitioner is not named in the FIR. He has since joined the investigation and therefore, pre-arrest bail should be granted to him.

Whereas Learned State counsel has vehemently contested the bail application.

It is a case relating to recovery of contraband amounting to

commercial quantity. Section 37 of the Act comes into play which provides that no person accused of an offence involving commercial quantity shall be released on bail or on his own bond unless (i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and (ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

I do not see any reason to record such satisfaction, as required. Therefore, the petition is bound to fail and is dismissed accordingly.

9.1.2020
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No