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

**CRM-M No.54054 of 2019
Date of Decision: 21.01.2020**

JASWANT SINGH @ JASSA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Anil K. Sagar, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Short reply by way of affidavit of Dilbagh Singh, PPS, DSP (D) District Ludhiana (Rural) has been filed in Court. The same is taken on record.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.194 dated 25.09.2019, registered under Sections 18, 25, 29, 61 of the NDPS Act at Police Station City Jagraon, District Ludhiana.

The aforesaid case was registered on the basis of secret information that Thakur Singh, Charanjit Singh and Satpal Singh used to supply opium to various cities in Punjab on

a large scale. All the aforesaid persons were shown coming in a car to supply opium at a disclosed place. A *naka bandi* was done and all the three persons were apprehended.

During interrogation of the case, they told to Inspector Kikkar Singh that they have purchased 1 kgs. of opium from Jaswant Singh @ Jassa (petitioner) resident of Karnal. They further disclosed that on that day also, they had planned to go to Karnal for purchasing 2 kgs. of opium from Jaswant Singh @ Jassa. The police completed the process of recording the statements of aforesaid persons at 3.40 a.m. on 25.09.2019 and thereafter proceeded from Jagraon at 5.00 a.m. for Karnal for arrest of the petitioner. The petitioner was arrested from the Karnal with one 1 kgs. 600 grams of opium along with currency notes of Rs.50,000/-.

Learned State counsel on instructions from ASI Gursewak Singh have endorsed the aforesaid facts from the police file.

At this stage, it would be debatable as to whether the Punjab Police was competent to arrest the petitioner from Karnal (Haryana) without associating the local police of Karnal and the alleged offer given by the Inspector Kikkar Singh in terms of Section 50 of the NDPS Act would also remain debatable as the accused allegedly reposed faith in the

Inspector for carrying out search. Since the alleged recovery was made from the vehicle, therefore, all these things would remain subject to nature of evidence to be brought by the parties.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 25.09.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 21, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No