

CRM-M-15310-2021**Date of Decision: 06.09.2021****Jagdish Singh****.....Petitioner****vs.****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Satnam Singh Gill, Advocate, for the petitioner.
Mr. Harpreet Singh Multani, A.A.G., Punjab.

***********AMOL RATTAN SINGH, J. (ORAL)**

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 42 having been registered at Police Station Patran, District Patiala, on 03.03.2020, alleging therein the commission of offences punishable under the provisions of Sections 22/25/31 of the NDPS Act, 1985 and Sections 473/482/489 of the IPC.

Learned counsel for the petitioner submits that in fact the petitioner, firstly, is not Kalu Singh and that his actual name is as is given in the petition, i.e. Jagdish Singh; and further, that the car in question as is alleged to have been apprehended containing 1,70,000/- intoxicating tablets of Tramadol Hydrochloride, that also does not actually belong to him, he having sold the said car to one Darshan Singh on 26.04.2019, in respect of which an affidavit was also executed by Darshan Singh, but with Darshan Singh unfortunately having thereafter died.

Upon query to him as to when Darshan Singh died, he expresses his ignorance.

Upon another query put to this court as to whether any application seeking transfer of the registration of the car was made to the

competent authority, he submits that an affidavit of Darshan Singh, as also an application form seeking transfer, was duly filled in but was not submitted to the office concerned.

Learned State counsel having received advance notice of the petition, informs this court that as per his instructions there are 05 other criminal cases, under the provisions of the NDPS Act, registered against the petitioner.

Keeping in view the fact that not even an application form seeking transfer of the registration was made to the competent registration authority, also looking at the antecedents of the petitioner (as per instructions of learned State counsel), as also the fact that the quantity of contraband stated to have been recovered from the car in question (as per the case of the investigating agency), is commercial quantity, with the car registered in the name of the petitioner, I see no ground to entertain this petition, which is consequently, dismissed.

However, it is made clear that nothing observed hereinabove will be taken to be a comment on the actual merits of the case for or against the petitioner, which would be wholly gone into as per evidence gathered and led before the trial court (if it comes to that stage).

September 06, 2021
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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.