

CRM-M-18494 of 2021

Date of Decision: 13.08.2021

Jaskaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- None for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

On 06.07.2021, the following order had been passed:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.117, dated 23.10.2020, having been registered at Police Station Nandgarh, District Bathinda, alleging therein the commission of offences punishable under Sections 22, 29 of the NDPS Act, 1985.

Notice of motion having been issued in this case on 11.05.2021, on 19.05.2021 this court (co-ordinate Bench) had directed the Senior Superintendent of Police, Bathinda, to file an affidavit giving therein the call details of any phone calls made between mobile phone nos.98723-90421 & 99965-17311, pursuant to which such affidavit has been filed, with it stated by the SSP that the mobile phone recovered from Tarsem Singh (who is stated to have been apprehended with 1500 tablets of Tramadol) was bearing no.99965- 17311, though it was found to be issued in the name of one Santokh Singh, resident of village Chautla, District Sirsa, with the said Santokh Singh stated to be a close relative of Tarsem Singh, though the exact relationship has not been given in the affidavit.

It has been further stated that 81 phone calls were found to have been exchanged between that phone number and the telephone number issued to the petitioner by

the mobile phone company, with 9 phone calls being on the date that the FIR was registered, i.e. 23.05.2021.

Hence, it has been stated by the SSP that it was obvious that the petitioner and Tarsem Singh were in constant touch with each other, with Tarsem Singh having made a statement after his arrest that the petitioner had supplied him the aforesaid contraband.

Upon query to learned counsel for the petitioner as to his connection to Santokh Singh, with 81 phone calls stated to have been made between the two mobile phone numbers, he seeks time to take instructions.

On his request, adjourned to 16.07.2021.”

Thereafter, on 16.07.2021, on a request for an adjournment made by counsel for the petitioner hearing had been adjourned to 27.07.2021, with learned counsel having again sought an adjournment on that date, through the co-ordinator the video conference.

Hearing in the matter had therefore been adjourned till today, with it made clear that even if counsel did not appear and answer the query raised by this court on 06.07.2021, the petition would be taken up and decided on merits.

Today again he has made the same request, for an adjournment, through the co-ordinator of the video conference.

Hence, that request is declined and the matter is being taken up and decided on merits.

As per the FIR registered, Senior Constable Hardeep Singh had stated that when he along with the police party were out patrolling in a private car in search of suspected persons and were near village Bambiha Canal Road, a motorcycle was seen coming on the road and upon stopping the

vehicle, the person riding it got perplexed and tried to turn his bike around but with the motorcycle having slipped, and he having fallen on the road, with a plastic transparent bag also having fallen on the road, in which intoxicant tablets were clearly seen, as had been kept on the petrol tank of the motorcycle.

Upon questioning, that person gave his name to be Tarsem Singh alias Sema, with the senior constable having thereafter sent for the investigating officer, after giving the aforesaid information.

Subsequently, as per the affidavit of the SSP, Bathinda, dated 25.05.2021, Tarsem Singh had made a statement in terms of Section 27 of the Indian Evidence Act, that he (Tarsem Singh), had contacted the present petitioner (Jaskaran Singh), on his mobile no. 9996517311, with the mobile number of the present petitioner being 9872390421, and that the present petitioner used to sell intoxicant drugs to Tarsem Singh.

It was found that mobile no. 9872390421 was actually found to be issued in the name of the petitioner on 07.04.2019 (i.e. 1 ½ years before the registration of the FIR), and that mobile no.9996517311, as was recovered from Tarsem Singh, was issued in the name of Santokh Singh son of Gurdev Singh, resident of village Chautala, District Sirsa, Haryana, though used by Tarsem Singh.

It has been next stated in the affidavit that the call details record having been obtained, it was found that there were 81 calls made between the two numbers from 01.10.2020 and 21.10.2020, with 9 of those calls having been made on the date of registration of the FIR. (It is to be noticed that

though the date of the FIR in that paragraph has been shown to be 23.05.2021, it is obviously a typographical error because the call detail records as have been annexed with the petition, are all for the period between September 30, 2020 and 24.10.2020. Thus, obviously the digit '5' has been inadvertently typed instead of the digit '10', while giving the date of the FIR in that paragraph).

Other than that, it has been shown that there are two other FIRs registered against the petitioner, both under the provisions of the NDPS Act, though in one of them an “untraced report” had been submitted by the police.

In the aforesaid background, the order dated 16.07.2021 was passed by this court, with the query put to learned counsel being that since his contention was that the petitioner had nothing to do with Tarsem Singh, and that Santokh Singh was in fact a close relative of Tarsem Singh, at least with that mobile number having been used to contact the petitioner on his own mobile number, as to what his connection to Santokh Singh was, with 81 phone calls having been exchanged between them.

Obviously, the petitioner has no wish to answer that query of this court, and therefore adjournment after adjournment is being sought by counsel appearing for him.

In view of the above, finding no merit in this petition, it is dismissed.

However, it simply being a petition seeking that the petitioner be admitted to anticipatory bail, obviously nothing stated hereinabove or in

the previous orders passed, would affect the merits of the case, with the investigation and the trial (if it comes to that stage) to proceed wholly on the basis of evidence gathered/led.

August 13, 2021

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking : Yes
Whether reportable : Yes