

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

Date of Decision: August 27, 2021

1. **CRM-M-20294-2020**

Jaswinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

2. **CRM-M-38196-2020**

Ram Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pradeep Panwar, Advocate,
for the petitioner in CRM-M-20294-2021.

None for the petitioner in CRM-M-38196-2020.

Mr.Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioners have filed separate petitions under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.159 dated 25.05.2020, under Section 15 N.D.P.S.Act, 1985, registered at Police Station, Chandimandir, District Panchkula. Petitioner Jaswinder Singh is in custody since his arrest on 17.11.2020, whereas petitioner Ram Kumar is in custody since 25.05.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Panchkula in his order dated 24.09.2020 (Annexure P-2 in CRM-M-38196-2020), are as under:-

“As per the case of the prosecution, a secret information was received by SI Bhim Singh on 25.05.2020 to the effect that Ram Kumar son of Balak Ram (petitioner), driver on Truck No.HP-12D-2057, is coming from Gujrat towards Baddi after loading narcotic substance and if naka will be laid, Ram Kumar may be apprehended with narcotic substance. On receiving secret information, naka was laid and at about 7.30 PM on 25.05.2020, the truck bearing registration No.HP-12D-2057 was seen coming from Panchkula side and on signal, said truck was stopped. On checking of said truck, 200 kg.Poppy Husk (5 bags of 40 kg each) were found concealed in between 36 drums of glycerin loaded in the truck.”

Learned counsel appearing on behalf of accused Jaswinder Singh has argued that, in fact, the contraband was recovered from vehicle bearing registration No. HP-12D-2057 being driven by co-accused, namely Ram Kumar, and though petitioner Jaswinder Singh is the owner of the truck, but it was his driver who misused the same without his knowledge. According to him, petitioner Jaswinder Singh has been indicted on the basis of the disclosure statement made by co-accused Ram Kumar, and the said evidence being comparatively weak in nature would not be enough to further detain the petitioner behind the bars as the investigation of the case is complete. He prays for bail.

On the other hand, learned State counsel, assisted by SI Anant Ram, has argued that petitioner Jaswinder Singh was actively involved in the crime and he was in touch with his driver Ram Kumar and the record of the call details collected during investigation was noticed by the Additional Sessions Judge in his order dated 13.05.2021, whereby Jaswinder Singh's regular bail application was dismissed. He submits that the disclosure statement suffered by Ram Kumar (Driver) also indicates that petitioner

Jaswinder Singh was throughout involved in the crime. He prays that the petitions be dismissed.

After hearing the learned counsel for the parties, this court is of the opinion that as per prosecution, the contraband was recovered from a vehicle bearing registration No.HP-12D-2057, which is owned by accused Ram Kumar and was being driven by his employee Jaswinder Singh (driver).

At this stage, it will not be appropriate for this court to make any comment on the merits of the case, particularly regarding the nature of disclosure statement by Jaswinder Singh, whereupon the owner of the vehicle was indicted as an accused, therefore, considering the nature and quantity of the contraband, this court is not inclined to extend the concession of regular bail to the petitioners.

Both the petitions are dismissed.

August 27, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No