

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

206

**CRM-M-33485-2021
Decided on :26.10.2021**

Jaspal Singh @ Mohna

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Munish Raj, Advocate
for the petitioner.

Mr. N. K. Banka, DAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case bearing FIR No.55 dated 05.07.2021 (Annexure P-1), registered under Sections 22, 21, 25, 29, 61 and 85 of NDPS Act, 1985, at Police Station Bhadaur, District Barnala.

On 18.08.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.55 dated 05.07.2021 registered under Sections 22/21/25/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as “the Act of 1985”) at Police Station Bhadaur, District Barnala.

Learned counsel for the petitioner inter alia contends that in the present case, even as per the prosecution version, Balwant Singh and Gurwinder Singh were apprehended who had further named Budh Singh @ Lakha and Balkar Singh who were also apprehended and it was further the statement of the said Budh Singh @ Lakha and Balkar Singh who had stated that the present petitioner alongwith Balkar Singh and Budh Singh used to “previously” sell the liquor with them. It is further submitted that as per the order passed by the learned Special Court, Barnala, in fact, even the previous incident has been stated to be “illicit liquor”. It is, thus, submitted that no recovery has been made either from the petitioner or from the people who were initially apprehended and named the petitioner and even as per the order dated 10.08.2021 passed by the Special Court, Barnala, it is with respect to some previous incident that the petitioner is being sought to be involved and that too with respect to illicit liquor. It is further submitted that the petitioner is not involved in any other case under the Act of 1985 and has only one case against him i.e. FIR No.53 dated 04.07.2021 under Section 61 of the Excise Act and he has been granted the bail in the same.

Learned counsel for the petitioner has relied upon an order passed by Coordinate Bench of this Court dated 17.06.2020 in CRM-M12051-2020 titled “Mewa Singh Vs. State of Punjab”, order dated 16.07.2021 passed in CRM-M-12997-2020 titled “Daljit Singh Vs. State of Haryana”, and order dated 07.10.2015 passed in CRM-M-25433-2015, titled “Dharamveer and another Vs. State of Punjab”, to contend that in such a situation, Section 37 of the Act of 1985 would not be attracted.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and has, on instructions from ASI Kulwant Singh, stated

that there are two more cases against the petitioner. However, the said cases are not under the Act of 1985. He seeks time to file reply in the present case.

Adjourned to 11.10.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and is no more required for further investigation in the present case.

Learned State counsel, on instructions from ASI Pardeep Kumar, has submitted that the petitioner has joined the investigation on 21.08.2021. Reply on behalf of State by way of affidavit of Baljeet Singh, DSP has also been filed.

This Court has heard the learned counsel for the parties.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the petitioner has joined the investigation and also the law laid down by this court in CRM-M-12051-2020 titled “Mewa Singh Vs. State of Punjab”, CRM-M-12997-2020 titled “Daljit Singh Vs. State of Haryana and CRM-M-25433-2015 titled “Dharamveer and another Vs. State of Punjab”, the present anticipatory bail application is allowed and the interim order dated 18.08.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

26.10.2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No