

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38183-2020 (O&M)
Date of Decision:-9.4.2021

Jaspal Singh @ Pala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Anupam Bhanot, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Harjinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.19 dated 16.2.2018 at Police Station Harike, District Tarn Taran under Sections 307, 34 of Indian Penal Code, Section 25 of Arms Act and Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The allegations, in nutshell, are that on 16.2.2018 when a police party was checking vehicles, then 2 persons riding a motorcycle bearing registration No.PB-46L-3172 were seen coming, who had their faces covered with shawls. When they were signaled to stop, the driver of the motorcycle, while stopping the motorcycle, took a pistol from his waist and fired at the police

party hitting in the abdomen of Constable Sukhpal Singh. The said two persons, however, after throwing the motorcycle ran away towards the quarters of the Canal Department. ASI Baldev Raj of the police party, however, knew the driver of the motorcycle, who had fired and identified him as Jaspal Singh Pala. The said two persons were followed by the police party and were apprehended. While one of the person disclosed his name as Jaspal Singh Pala from whom a .32 bore pistol was recovered alongwith one empty magazine, the other persons disclosed his name as Randhir Singh from whom a double barrel rifle .32 bore alongwith two cartridges were recovered. The search of the said persons led to recovery of 900 tablets of 'Microlit' and 300 grams of 'heroin' from Jaspal Singh Pala and; Randhir Singh was found to be in possession of 280 grams of 'heroin' apart from 900 tablets of 'Microlit'.

3. The learned counsel for the petitioner has submitted the petitioner has falsely been implicated in the present case and that, in any case, since the petitioner has been behind bars since the last about 3 years and identically situated co-accused Randhir Singh has already been granted bail, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, the learned State counsel has submitted that the petitioner was found in possession of 'commercial' quantity of contraband i.e. 300 grams of 'heroin' and 900 tablets of 'Microlit' and that in view of the fetters imposed by Section 37 of NDPS Act, he does not deserve the concession of bail. Learned State counsel has further submitted that in the instant case, the antecedents of the petitioner, who had remained involved in 6 other cases, out of which he stands acquitted in two, do not warrant his

release on bail. Learned State counsel has further submitted that the petitioner cannot claim any benefit on grounds of parity since it is the petitioner, who had fired at the police official and that the medical record in respect of the said police official clearly indicates that he was found to be having entry and exit wound in his abdomen indicating that he had sustained a firearm injury.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that it is a case of recovery of 'commercial' quantity and also the fact that the petitioner had previously been involved in a large number of cases and while also noticing the conduct of the petitioner, who appears to be a desperate kind of person and had fired at the police official and which fact stand substantiated from the medical record of the police official regarding injury sustained by him, wherein entry and exit wounds pertaining to the firearm shot were found, this Court does not find any ground for grant of bail. The petition is sans merit and is hereby dismissed.

9.4.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No