

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

DECIDED ON: 16th May, 2022

(1) CRM-M-13054 of 2020 (O&M)

Manjeet Kaur

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

(2) CRM-M-13356 of 2020 (O&M)

Jarnail Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: None for petitioners.

Mr. Amit Mehta, Sr. DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

CRM-M-13054 of 2020 is filed for grant of interim bail in case of FIR No. 212 dated 18.12.2019 under Sections 22/29 of NDPS Act, 1985, registered at Police Station Amargarh, District Sangrur.

CRM-M-13356 of 2020 is filed for grant of regular bail in case of 212 dated 18.12.2019 under Sections 22/29 of NDPS Act, 1985, registered at Police Station Amargarh, District Sangrur.

The petitioners were granted interim bail vide order dated 18.6.2020 and the same is quoted below:

"All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By these petitions, the petitioners seek the concession of bail, upon FIR no.212, dated 18.12.2019, having been registered against them, alleging therein the commission of offences punishable under Sections 22/29 (Notification no.61) of NDPS Act, 1985.

Learned counsel for the petitioners submits that the petitioners were not named in the FIR and in fact it was their son, Jagtar Singh, and another person against whom secret information allegedly was received by the author of the FIR, upon which the raid is stated to have been conducted, during the course of which the petitioners were alleged to be found sitting in a car from the trunk of which 52500 tablets containing contraband drugs were found (as per the case of the investigating agency).

She further submits that the petitioners are 60 years old and in fact their son, Jagtar Singh, has been admitted to bail by this court (co-ordinate Bench).

Mr. H. S. Sullar, learned DAG, Punjab, submits that Jagtar Singh was granted bail by this court on the ground that he was not apprehended on the spot and consequently his role is completely different to that of the petitioners, who were actually found to be sitting on the rear seat of the car, about to leave their home, and consequently they do not deserve the concession of bail.

On query, however, he very fairly submitted that the car was not found to be belonging to the petitioners, with learned counsel for the petitioners submitting that as a matter of fact the petitioners have been shown to have been apprehended in the car, though they actually picked up from their home itself.

Having considered the matter, with the petitioners being 60 years old, whether or not they were apprehended from the car which in any case does not belong to them and even if that is so whether they had any knowledge of any contraband in the trunk of the car, may be something to be looked at more deeply, especially keeping in view the fact that even the secret information as is alleged to have been received by the police official, does not show the petitioners to be such suspects.

Consequently, the SSP, Sangrur, is directed to have the affidavit of a gazetted officer filed, stating also therein any criminal antecedents of the petitioners, before the next date of hearing.

Adjourned to 07.08.2020.

In the meantime, the petitioners would be admitted to interim bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

A photocopy of this order be placed on the file of the other connected case."

Learned State counsel on instructions is not disputing the fact that there are no allegations of mis-use of interim bail granted to the petitioners. He submits that out of twenty-six prosecution witnesses, only seven witnesses have been examined.

Without commenting upon the merits of the case, these petitions are disposed of and order dated 18.6.2020, will continue during the pendency of the trial, with liberty to the State to avail remedy in accordance with law in case of change in circumstance.

Since the main cases have been decided, the pending applications, if any are rendered infructuous.

Photocopy of this order be placed on the file of connected case.

16th May, 2022
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>