

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

CRM-M No.38023 of2024
Reserved on: 16.10.2024
Pronounced on: 22.10.2024

Jaggi Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
158	20.10.2020	City Samana, District Patiala	15, 25 and 29 of NDPS Act

1. The petitioner who is in custody in another FIR No.12 dated 20.01.2022 under section 15 of NDPS Act, registered at Police Station City Samana, District Patiala has misconceived that he was arrested in present FIR captioned above in which he had already been granted anticipatory bail by this Court in CRM-M-20054 of 2022 and as such the petitioner has come before this Court under section 439 Cr.P.C. seeking regular bail.

2. State has filed reply and it would be appropriate to refer to paragraph 9 which reads as follows:

“9. That thereafter, another FIR No.12 dated 20.01.2022 U/s 15 of NDPS Act, Police Station City Samana. District Patiala was registered against the petitioner as well as against Ved Parkash son of Chander Bhan, resident of Malkana Patti, Samana to the effect that on 19.01.2022, ASI Balkar Singh along with police party in a government vehicle No. PB-65-K-2442 along with laptop, printer etc. were present at Bhawanigarh Chowk, Samana in connection with search and checking of suspected persons. In the meantime, at about 11.15 PM, ASI Balkar Singh received a secret information that Jaggi son of Amrik Singh (present petitioner) and Ved Parkash son of Chander Bhan, who have a vehicle No. PB-13-BD- 0246, usually bring material to M.P. side and they bring coal etc. while returning back and every-time they both jointly bring heavy quantity of poppy husk (pods) with them in the vehicle. Now, they have reached Samana in the above vehicle and they are about to unload coal and they are looking to settle the material. If a police barricading is conducted at Bhawanigarh Road, near

Davinder Nursery in a planned manner, they can be red-handedly apprehended with heavy quantity of poppy husk (pods) in the above said vehicle. On the basis of above said information being reliable, a prima facie offence U/s 15/61/85 of NDPS Act was made out and FIR had been registered against the petitioner and his co-accused. Thereafter, during investigation 100 KG of the poppy husk was recovered from the NDIA said above said vehicle. The petitioner had fled away from the spot in the said case and was absconding.”

3. As mentioned above, it has been explicitly mentioned that he was arrested in FIR No. 12 dated 20.01.2022.

4. Given above, the present petition is **disposed of** with clear cut observations that if the petitioner is found to have been arrested in FIR no.158 dated 20.10.2020 in which he was already granted anticipatory bail vide order dated 30.08.2022 and arrest in said FIR no.158 is illegal and he shall be released on bail immediately on furnishing of personal bonds, however, it is clear that this Court shall not imply regular bail in other FIR No.12 dated 20.01.2022 for which the petitioner has liberty to seek bail in the said FIR from the court concerned. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.10.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.