

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104)

CRM-M-49760 of 2021

Date of Decision: 30.11.2021

Jarnail Singh @ Jelly

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Harkirat Singh Bhogal, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

This is the second petition filed under the provisions of Section 438 of the Cr.P.C, by which the petitioner seeks the concession of anticipatory bail, upon FIR no.33, dated 23.05.2021, having been registered at Police Station Aur, District SBS Nagar, alleging therein the commission of offences punishable under Sections 21 and 22 of the NDPS Act.

The first such petition filed by the petitioner, i.e. CRM-M-22106 of 2021, had been dismissed by this court on 16.11.2021, i.e. 14 days ago, with the following order passed:-

“By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 33 having been registered at Police Station Aur, District S.B.S. Nagar, on 23.05.2021, alleging therein the commission of offences punishable under the provisions of Sections 21 & 22 of the of the NDPS Act, 1985.

Pursuant to the order dated 28.09.2021, another affidavit of the Deputy Superintendent of Police, Nawanshahr, District SBS Nagar, dated 15.11.2021, has been filed, which is ordered to be taken on record.

As per the said affidavit, photographs were taken (annexed with the affidavit), showing a sale and purchase of certain objects, with money also

being thrown on the street and objects being lowered by a string, with the DSP stating that in fact the said objects were contraband.

Without making any comment on the actual merits of the case, however, in view of what has been stated very clearly by the DSP, I do not think this is a petition in which the petitioner can continue to remain on bail under the provisions of Section 438 of the Cr.P.C.

Therefore this petition is dismissed with the interim order passed in favour of the petitioner hereby vacated.

[It is to be noticed that learned counsel for the petitioner has submitted that the petitioner is not seen in any of the photographs annexed with the petition.

However, learned State counsel draws attention to the fact that as per the affidavit the house in question itself belongs to the petitioner.]”

Upon query to the learned counsel as to what has changed in the two weeks since that date, he submits that with the reply filed by the State to that petition, the statements of Dilbag Singh, Kashmir Singh, Jograj Duggal and Bhupinder Singh were annexed, as were actually not made by them and were only attributed to them by the investigating agency, in respect of which they have even executed their affidavits (collectively annexed as Annexure P-5 with the present petition).

Having considered the matter, it is obvious that while dismissing that petition, this court had also referred to a videography/photographs as had been annexed with the reply filed by the DSP, Nawanshahr, District SBS Nagar.

In view of the above, again without making any comment on the merits of the case, in my opinion, it is not a case where the petitioner can

be admitted to anticipatory bail.

Consequently, this petition is dismissed.

30.11.2021

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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No