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| BA No.  | 1974-2019        |
| CNR No. | PBJL010128482019 |

Jasbir Ram @ Sheera Vs. State of Punjab.

Present: Sh Vijay Pardesi Adv for the petitioner.  
Sh. Sachin Azad Addl.PP for the state.

1. Police record received.
2. Heard on bail application filed under section 438 Cr.pc by applicant/accused Jasvir Ram @ Sheera son of Sh. Dalvir Chand in FIR No. 162 dated 5.5.2019 under section 20/22 of NDPS Act PS Phillaur, Jalandhar.
3. Sh. Vijay Pardesi Adv has aruged that accused has been falsely booked in this case. . As per allegations in the FIR , accused ran way from the spot after throwing his motorcycle , which is unbelievable . That police took away credit cards, pan cards and motorcycle etc of the accused from his house on 5.5.2019, in his absence. Accused was not present at the place of recovery and this fact can be established from location of mobile phone. Even otherwise, the quantity of contraband is non commercial. Complainant as well as IO is one person. Accused is ready to join investigation . He should be granted bail.
4. On the other hand, Ld. APP for the state opposed the bail application.
5. I have considered the respective submissions and have

gone through the record.

6. As per case of prosecution, after throwing his motorcycle at the spot, accused ran away . One plastic bag tied with handle of the motorcycle was found to be containing 50 injections of Phenergan of 2ml each, 500 gms of charas, 3 credit cards, two pan cards and ₹400/- currency notes etc. Credit cards, Pan card and motorcycle are in the name of accused, which support the case of prosecution that accused threw his motorcycle and ran away from the spot. Claim of the accused that police took away the same from his house after breaking open the locks can not be accepted at this stage. This argument that investigation was carried with by complainant SI Sukhdev Singh, caused prejudice to the accused is also no help to him at this stage. In Judgment 'Baljinder Singh Vs. State of Punjab'-CRA-D-917-DD-2011 decided on 22.1.2019, a division bench of Hon'ble Punjab and Haryana High Court held that " *Whether the investigation carried with by the complainant vitiated the trial or not will depend on the facts and circumstances of each case*". So, at this stage, accused cannot be draw any benefit from this fact. No case is made out for grant of anticipatory bail to the accused, as his custodial interrogation may be required to know the origin of the intoxicant material and to effect further recoveries.

7. In view of foregoing discussions, the present application is dismissed . Papers be attached with the remand papers.

Dated:21.5.2019

(K.K. Goyal)

*(Dimple Khosla)\**

JSC/ Jalandhar  
UID No. (PB0117)