

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

(205)

(1)

CRM-M-16181-2015

Decided on: November 18, 2015.

Mohinder Singh @ Kala

.... Petitioner

Versus

State of Punjab

..... Respondent

(2)

CRM-M-22778-2015

Jagtar Singh @ Kaku

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. B.S. Sidhu, Advocate,
for the petitioner (in CRM-M-16181-2015).

Mr. R.S. Bains, Advocate,
for the petitioner (in CRM-M-22778-2015).

Mr. Gazi Mohammad, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

This order will dispose of two applications for grant of regular bail, one (CRM-M-16181-2015) filed by Mohinder Singh @ Kala and the another filed by Jagtar Singh @ Kaku in a case where three packets weighing 2.820 kgs of heroin were recovered lying unclaimed by BSF in the fields of Surjit Singh. Petitioners Mohinder Singh @ Kala and Jagtar Singh @ Kaku have been involved in the case on the basis of disclosure statement

of Gurmail Singh co-accused who was arrested as a suspect for smuggling heroin from Pakistan.

During the course of investigation, the prosecution agency found the statement of following witnesses against the petitioners:

1. Statement of Subeg Singh witness of extra-judicial confession;
2. Statement of Harpreet Singh who had alleged personal knowledge;
3. Statement of Surjit Singh a witness on the basis of hearsay evidence from above said Harpreet Singh PW; and
4. Statement of Jarnail Singh son of Jagir Singh who was cited as a witness to render corroboration to the statement of Surjit Singh and Harpreet Singh.

Statement of all the above named witnesses have been recorded.

Photocopy of the statements of the above said witnesses have been retained on the record for reference.

Without expression of any opinion on merits of the case, it is sufficient to observe here that Subeg Singh and Harpreet Singh who were witnesses of extra-judicial confession and having personal knowledge have turned hostile. Jarnail Singh has also not supported the case of the prosecution.

Learned State counsel has argued that Surjit Singh whose testimony was based upon the hearsay from Harpreet Singh has supported the case of prosecution. Since PW Harpreet Singh has not supported the case of prosecution, hearsay evidence of Surjit Singh will certainly be a debatable testimony, so far as its reliability is concerned.

In view of above said evidence produced and the petitioners being not involved in any other case, the petitioners can be granted the concession of bail.

Petitions are allowed. Petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

November 18, 2015
harsha