

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

**CRM No. M-14059 of 2016
Date of decision: 05.05.2016**

Jagjit Singh @ Jaggi

...Petitioner

V/s.

State of Punjab

...Respondent

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

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

Mr. Jashanpreet Singh, AAG, Punjab.

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

The petitioner has been in custody w.e.f. 24.12.2014 in a case which was registered at the instance of Neeraj Kaushik, Assistant Commander of BSF on the basis of secret information that the petitioner along with other smugglers indulged in smuggling of heroin in connivance with Pakistani smugglers. On the basis of the said information, on finding suspected activities, the police party opened fire and one Pakistani smuggler had died on the spot. Varun Puri and Jagdeep Singh were arrested at the spot along with 17 packets of heroin and 100 gms of opium. So far as the petitioner is concerned, he along with other three persons allegedly managed to escape from the spot.

Counsel for the petitioner has submitted that petitioner was not arrested on the spot and he has been involved in this case on the statement of Varun Puri co-accused who was arrested at the spot.

As per the case of the prosecution, petitioner, Kabal Singh and Randeep Singh had escaped from the spot taking advantage of the dark. The co-accused of the petitioner Kabal Singh has been granted concession of bail on the ground that he was not found in actual physical possession of any contraband and his name has been disclosed by his co-accused Varun Puri. The petitioner has been in custody w.e.f. 24.12.2014. No prosecution witness till date has been examined. In view of the above circumstances, on the basis of parity, the petitioner is also entitled to the same relief.

Petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court subject to the condition that petitioner will not indulge in similar activities during the period of trial. In case of petitioner committing offence of any such nature, it will be open to the prosecution agency to seek cancellation of his bail.

(M.M.S. BEDI)
JUDGE

May 05, 2016
Divyanshi