

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-10074-2017

Date of decision : 30.03.2017

Jagroop Singh @ Roop

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.J.S.Brar, Advocate
for the petitioner.

Mr.Rajesh Mehta, Addl.A.G.Punjab

AMOL RATTAN SINGH, J.(ORAL)

Learned counsel for the petitioner submits that a co-accused of the petitioner, also named Jagroop, though with a alias of J.P., has already been admitted to bail vide an order dated 17.03.2017 passed in CRM-M-3895-2017, a copy of which has been produced in Court today.

A perusal of the aforesaid order reveals that the counsel for the petitioner in that case had argued that, firstly, the motor cycle in question on which the petitioner and his co-accused are stated to having been travelling did not belong to that petitioner, which it is stated also does not belong to the present petitioner. Secondly, it was submitted that the petitioner and his co-accused were not produced before a Magistrate or a Gazetted Officer even though there were 5 people in the police party who are stated to have come on a government vehicle and lastly, it was contended in that case, as it has now been contended by the learned counsel for the petitioner in the

present case, that sampling of the contraband stated to have been seized was not done before a Magistrate.

On the aforesaid reasoning, this Court, observing that there would, prima-facie, be a violation of the directions given by the Supreme Court in *Union of India vs. Mohanlal & another, 2016(1) R.C.R. (Criminal) 858*, the co-accused had been admitted to bail. The present petitioner being involved in the same offence, obviously the same reasoning would apply in this case also.

Consequently, without making any final comment on the observations made by this Court, either in the present petition or in CRM-M-3895-2017, the petitioner is ordered to be admitted to bail upon furnishing bail bonds and surety bonds to the satisfaction of the learned Chief Judicial Magistrate / Duty Magistrate, Kapurthala.

(AMOL RATTAN SINGH)
JUDGE

March 30, 2017.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No