

CRM-M-1542-2017

Date of decision: 21.02.2017

Jagjit Singh @ Jagga

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. D.N.Ganeriwala, Advocate
for the petitioner.

Mr. Neeraj Sharma, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks the benefit of regular bail pending trial in case FIR No.114 dated 16.07.2015, under Section 21/61/85 of the NDPS Act, registered at Police Station Makhu, District Ferozepur.

As per the prosecution version, the main accused is Kulwinder Singh, who was arrested on 16.07.2015 and the alleged recovery of 1 kg. heroine was effected. It so transpires that three separate disclosure statements of Kulwinder Singh were recorded but in none of them the name of present petitioner was disclosed. Apparently, the petitioner is sought to be implicated on the basis of confessional statement suffered by him before one Manna Chaudhary on 17.08.2015 and on the strength of which alleged recovery of contraband has been effected from the house of Nachhatar Singh i.e. father-in-law of the petitioner.

There is no recovery that is stated to have been effected from the present petitioner.

Petitioner has faced incarceration since 01.09.2015.

Present petition was opposed by learned State counsel by

contending that the petitioner is a habitual offender and is involved in yet another case i.e. FIR No.132 under the NDPS Act.

Counsel appearing for the petitioner has met such a contention by adverting to an order dated 11.05.2016 passed by the learned Special Judge, Ferozepur in terms of which the petitioner has been granted bail in such FIR.

Without making any observation on merits, the petitioner is held entitled to the concession of bail.

Petition accordingly is allowed. Petitioner be released on bail subject to the satisfaction of the trial Court/Duty Magistrate, Ferozepur.

Disposed of.

21.02.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether Speaking/Reasoned Yes

Whether Reportable No