

Sr. No.214

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-44070 of 2016 (O&M)

Date of Decision: 10.01.2017

Jagraj Singh @ Gaaji

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. P.K.S.Phoolka, Advocate,
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.49 dated 07.03.2014, under Sections 15/16/61/85 of NDPS Act, (Section 27-A of NDPS Act added later on), registered at Police Station Kalanwali Sirsa, District Sirsa.

Counsel for the parties have been heard.

As per prosecution version, the alleged recovery of 400 Kgs of poppy husk was effected from co-accused Sukhdev Singh and Jagtar Singh @ Tari and from a tractor tanker. It so transpires that Sukhdev Singh during the course of investigation suffered a disclosure statement and on the basis of which one Lakhwinder Singh @ Billi as also Paramjit Singh who was the owner of the tractor tanker were also implicated. The final investigation report under Section 173 Cr.P.C. was filed against Sukhdev Singh, Jagtar Singh @ Tari and Lakhwinder Singh.

the investigating agency proceeded further in the matter and recorded a second disclosure statement of Lakhwinder Singh @ Billi in which the name of the present petitioner is figured.

Petitioner has been in custody since 07.12.2014. Under the facts and circumstances of the case wherein the petitioner was not apprehended on the spot and neither any recovery was made from his person, his false implication in the matter cannot be ruled out.

State counsel informs the Court that the trial would still take some time to conclude. Even though the present bail application has been opposed by learned State counsel by saying that the petitioner is involved in two other cases under the NDPS Act, but it has gone uncontroverted that the petitioner is already on bail in those matters.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the trial Court/Duty Magistrate, Sirsa.

Disposed of.

10.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No