

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

**Criminal Misc. No. M-15339 of 2018 (O&M)
Date of decision: 05.12.2018**

Jagseer Singh @ Seera

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Ms. Samina Dhir, DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Jagseer Singh @ Seera under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.60 dated 08.03.2017 registered under Section 18/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Zira, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. No specific allegations have been levelled against the petitioner. Learned counsel further submits that the petitioner was arrested on the same day i.e. 08.03.2017 and since then, he is in custody. Learned counsel also submits that the recovery was effected on the basis of secret information and the intention of the Investigating Officer is clear from the fact that in recovery memo as well as in the search memo, the FIR number and sections have been mentioned with the same handwriting and ink whereas FIR number cannot be mentioned at the time of recovery. Learned counsel also submits that on the same set of allegations, one Rinku Singh has been released on

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regular bail by this Court vide order dated 07.08.2018 passed in Criminal Misc. No. M-32615 of 2018.

Learned State counsel has not disputed the custody period as well as release of co-accused on regular bail but has opposed grant of regular bail to the petitioner on the ground that from the photocopy of the documents available on record, it cannot be said that the handwriting is the same and FIR number and sections were mentioned on the same day or has been filled up subsequently.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file including recovery memo.

Although original record of the case is not there but the documents can be seen during trial as to whether the FIR number was mentioned at the time of recovery or filled subsequently.

In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody since 08.03.2017; one Rinku Singh has been released on regular bail by this Court; in other pending cases, the petitioner is on bail; all the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence, the present petition is allowed and the petitioner (Jagseer Singh @ Seera) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

05.12.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No