

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26910-2018 (O&M)
Date of decision: 17.10.2018

Jograj Singh @ Jagraj Singh @ Jugraj Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.12 dated 06.05.2018 under Sections 21, 22 of NDPS Act, registered at Police Station State Special Operation Cell, District Amritsar.

Learned counsel for the petitioner submits that co-accused of the petitioner namely Jograj Singh @ Yograj @ Yog has already been granted the concession of regular vide order dated 11.09.2018 passed in CRM-M-38535-2018. The operative part of the said order reads as under: -

“Learned counsel for the petitioner submits that as per allegations in the FIR, on receiving a secret information on 06.05.2018 that persons namely Manbir Singh, Yograj Singh @ Yog son of Balbir Singh, Yograj Singh son of Karaj Singh and one Gurwant Singh are involved in the business of selling heroine and Gurjant Singh is operating this business while being in judicial custody and they

are smuggling the heroine from Pakistan. It is further stated in the FIR that if a raid is conducted, the intoxicant substance can be recovered from their possession. Learned counsel further submits that after 04 days of registration of the FIR, the petitioner was arrested on 09.05.2018 along with Yograj Singh son of Karaj and the police recorded their disclosure statements that they are dealing in narcotic along with co-accused Manbir Singh and Gurwant Singh, however, no recovery was effected from the petitioner or the co-accused in pursuance to the said disclosure statements.

Learned counsel for the petitioner has further submitted that the petitioner is not involved in any other case, he is in judicial custody for the last 04 months and is no more required for any further investigation. It is further submitted that since no recovery was effected from the petitioner and except the aforesaid disclosure statements, there is no other evidence against him and it will be a debatable issue whether the petitioner has committed the offence under Sections 21 & 22 of NDPS Act or not.

Learned State counsel, assisted by SI Ranjit Singh, has filed the custody certificate and has not disputed the actual sentence undergone by the petitioner and also the fact that the petitioner is not involved in any other case. Learned State counsel has however submitted that other accused persons Manbir Singh and Gurwant Singh are yet to be arrested.”

Learned counsel for the petitioner further submits that the allegations against the petitioner are identical and he is not involved in any other case under the NDPS Act. It is further submitted that as per the custody certificate filed in the Court today, the petitioner stands acquitted in FIR No.27 vide judgment dated 04.06.2015 passed by the Sub Divisional Judicial Magistrate, Khadur Sahib and in FIR No.37, he stands acquitted vide judgment dated 06.07.2013 passed by the Judicial Magistrate 1st Class, Dabwali. It is also

submitted that in FIR No.41, cancellation report stands presented against the petitioner as per the order dated 10.04.2012 passed by the Additional Sessions Judge, Tarn Taran.

Learned State counsel, on instructions from the Investigating Officer, who is present in the Court, has not disputed the aforesaid factual position.

Without commenting anything further on merits of the case, considering the fact that co-accused of the petitioner has been granted the concession of regular bail; petitioner is in custody for the last more than 05 months and is not involved in any other case under the NDPS Act, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

17.10.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No