

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38535-2018

Date of decision: 11.09.2018

Jograj Singh @ Yograj @ Yog

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Virk, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, 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 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 Gurwant 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.

Without commenting anything further on merits of the case, considering the fact that the petitioner is in judicial custody for the last about 04 months; no recovery was effected from the petitioner, who was arrested after 04 days of registration of the FIR; even the FIR was registered on the basis of secret information and only evidence against the petitioner is his own disclosure statement, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

11.09.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No