

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37610 of 2019
Date of Decision: 11.09.2019

Jagjeet Singh @ Jaggi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.179 dated 12.07.2018 registered for offences punishable under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985; and 25 of the Arms Act, at Police Station Sadar Ferozepur, District Ferozepur.

Heard.

Notice of motion.

On asking of the Court, Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

On the basis of secret information, the police registered present FIR against Baldev Singh and Harbhajan Singh (since deceased). Allegation against Baldev Singh is that he had nexus with smugglers in the neighbouring country, who sent him consignment of narcotics. Baldev Singh was arrested and recovery of 2 kgs. 800 gms. of Heroin and 50 live

cartridges of .30 bore was effected from his possession. Harbhajan Singh was also arrested, who named petitioner as recipient of narcotics.

Learned counsel for the petitioner submits that there is no disclosure statement of Harbhajan Singh. The police has based its entire claim on WhatsApp calls of petitioner with Harbhajan Singh. Even if the petitioner was having WhatsApp calls with Harbhajan Singh, it cannot be presumed that he was indulging in trade of narcotics.

Learned State counsel on instructions from ASI Ashwani Kumar submits that disclosure statement of Harbhajan Singh was not recorded as he had died while in custody. However, he had disclosed the entire fact during his interrogation, which was recorded in the police diary. The petitioner is a habitual offender and seven cases are registered against him for difference offences under the NDPS Act. In one case he has been acquitted while remaining cases are still pending.

The petitioner was arrested in this case on 19.07.2018. After completion of investigation challan has been presented against him. No recovery was effected from him in this case.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Jagjeet Singh @ Jaggi is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the

benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

September 11, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No