

CRM-M-14077-2020

Date of decision: 05.06.2020

Jasbir Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Varinder Basa, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Mr. Sandeep Vermani, Addl.A.G., Punjab puts in appearance on behalf of the State on his own.

Petitioner, Jasbir Singh, has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.02 dated 07.01.2020 under Sections 21, 23 and 25 of Narcotic Drugs and Psychotropic Substances Act and Sections 411, 414, 120-B of the Indian Penal Code and Section 25 of the Arms Act registered at Police Station Gharinda, Amritsar Rural, District Amritsar.

The present case was got registered on secret information received by the police official, ASI Ajay Pal Singh to the effect that accused, Dharminder Singh, Ajaypal Singh s/o Sukhdev Singh, Paramjit Singh @ Pamma, Balkar Singh and Rahul Chauhan along with others, including the petitioners, were carrying on nefarious trade in heroin as well as illegal weapons, which they used to bring in India through drone and that co-accused/non-applicant, Rahul Chauhan, an army man, posted in the area was instrumental in drone flying and on the basis of which, the co-accused/non-applicant-Dharminder Singh was arrested leading to recovery of ₹6,22,240/- and a drone.

Learned counsel for the petitioner *inter alia* contends that petitioner is not named in the FIR and that similarly placed co-accused/non-applicant-Dildar Singh has been allowed interim bail by this Court vide order dated 01.06.2020 and that the case of the petitioner is not distinguishable from that of his co-accused.

The learned State counsel has strongly opposed the grant of bail on the grounds that the drone has been recovered from two of the accused and they are actively participating and carrying on nefarious trade in drugs and illicit arms which funds the terrorists and, therefore, in view of the seriousness of the allegations, a comprehensive investigation into the episode needs to be carried on.

Going through the submissions of the two sides, this

Court vide order dated 01.06.2020 has granted interim bail to the co-accused, Dildar Singh, who is similarly placed as to the petitioner. More so, it is fairly conceded at the bar by the learned State counsel that the petitioner is not named in the FIR and that the only semblance of evidence is statement of co-accused and, thus, a debatable issue arises over the very legality and credibility of such an evidence which can only be adjudicated at the time of trial. This Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining the investigation would suffice the purpose. Accordingly, the petitioner is directed to appear before the Investigating Officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

However, it is made clear that in case, during interrogation of the accused, if any incriminating article is recovered, the prosecution shall be at liberty to move an application for cancellation of his bail.

The petition stands disposed off accordingly.

05.06.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No