

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

CRM-M-17915-2020 (O&M)

Date of decision: 25.08.2020

Jajbir Singh @ Doctor

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-20401-2020

Allowed as prayed for.

Copy of order dated 01.07.2020 passed in
CRM-M-12591-2020, granting regular bail to co-accused Rajwinder Singh
@ Raju, is taken on record as Annexure P-7.

Main case

This is the second petition that has been filed under Section 439
of the Code of Criminal Procedure for grant of regular bail to the petitioner
in case FIR No. 35 dated 01.05.2019, registered under Sections 21, 25 and
29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police
Station Special Task Force (STF), STF Wing, Border Range, Amritsar,
District S.A.S. Nagar (Mohali).

The first petition, bearing CRM-M-28149-2019, was dismissed
as withdrawn on 27.08.2019.

Learned counsel for the petitioner submits that the new ground

for filing the present petition is the long custody of the petitioner and also in view of the fact that similarly situated co-accused Rajwinder Singh @ Raju has been granted concession of regular bail by this Court vide Annexure P-7. The operative part of the order reads as under:

“FIR was registered on the basis of secret information against five persons namely Raja Singh, Lovedeep Singh @ Deepu, Jajj Singh @ Doctor, Rajwinder Singh @ Raju (petitioner) and Gurdeep Singh. Further allegations are that the aforesaid persons are involved in the business of selling of heroin by conspiring with each other. They have connections with smugglers in Pakistan. The secret information was also to the effect that the accused were roaming in Innova car and could be apprehended by installing nakabandi. The FIR was registered on the basis of aforesaid secret information and thereafter, police apprehended two persons namely Raja Singh and Lovedeep Singh @ Deepu along with 1 kg. 100 gms of heroin in the car.

Learned counsel for the petitioner submitted that except the aforesaid secret information and disclosure statement of Raja Singh, there is no incriminating material against the petitioner. Name of Jajj Singh @ Doctor was also involved on the basis of disclosure statement of Raja Singh. Co-accused Gurdeep Singh has not been mentioned in the disclosure statement of Raja Singh, despite his name being mentioned in the secret information. Gurdeep Singh has been granted benefit of anticipatory bail vide order dated 20.09.2019 passed in CRMM No.29238 of 2019. No recovery has been effected from the petitioner after his arrest.”

Learned counsel for the petitioner further submits that though the petitioner was named in the secret information, however, he was not

found present in the car, from where, the recovery was effected and the driver of the car was Raja Singh s/o Resham Singh.

It is further submitted that though the petitioner is facing trial in one more case but he is on bail in that case.

Learned counsel further submits that the petitioner is an agriculturist and he has been falsely implicated in this case only on the basis of a disclosure statement.

Learned State counsel could not dispute the factual position, however, submitted that one more case is pending against the petitioner.

Learned State counsel further submitted that challan stands presented on 22.10.2019, however, till date, charges have not been framed due to Covid-19 situation, therefore, the evidence will start only after framing of charges.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that similarly situated co-accused has already been granted concession of regular bail by this Court; the petitioner is in judicial custody since 21.09.2019 and the trial is not proceeding due to Covid-19 situation, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

25.08.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No