

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.22552 of 2020
Date of Decision: October 06, 2020

Jagsir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.B.Raheja, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.127 dated 25.06.2020, under Sections 21, 25 and 29 N.D.P.S.Act, 1985, registered at Police Station, Sangat, District Bathinda. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 13.08.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in FIR No.127 dated 25.06.2020 under Section 21/25/29 of NDPS Act,

registered at Police Station Sangat, District Bathinda.

Counsel submits that even as per prosecution version an alleged recovery of 410 gms.of heroin was effected from Kala Singh (nonapplicant) from a cloth bag which had been tied with his waist. The main accused Kala Singh made a disclosure that such contraband had been supplied by Raju Singh @ Ghukar son of Bhola Singh and Jagga Singh son of Baggu Singh.

Counsel argues that the petitioner herein is being involved on the premise that his nick name is Jagga Singh. It is urged that name of father of the present petitioner is Pardeep Singh whereas Jagga Singh as named by main accused Kala Singh is son of Baggu Singh. Further argued that in any event no recovery was made from the petitioner and that he is not involved in any other case under the NDPS Act.

Notice of motion returnable for 06.10.2020.

In the meanwhile, petitioner is directed to join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Gurmej Singh, further states that the petitioner is not required for

custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 13.08.2020 is made absolute.

October 06, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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