

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

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**CRM-M-24190-2020
Date of Decision: 12.11.2021**

JAGJIT SINGH @ JAGGA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. H.S.Multani, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No. 1 dated 01.01.2020 registered under Sections 21, 25, 29 of NDPS Act, 1985, Section 25 of Arms Act, 1959 and Sections 379, 411 IPC (added later on) at Police Station Special Operation Cell, Amritsar, District Amritsar.

Learned counsel for the petitioner states that the petitioner was neither named in FIR nor arrested at the spot; that the petitioner was indicted in the present case on the basis of the disclosure statement of one Bhalwan Singh, recorded on 06.01.2020, with an allegation that the petitioner is involved in smuggling activities; that except the disclosure statement, there is no incriminating material on record against the petitioner; that even, after the arrest of petitioner, no recovery was effected from him and that the petitioner has been in custody since 05.06.2020. He further submits that there is no other case registered or pending against the petitioner.

On the other hand, while opposing the prayer for grant of regular

bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner is a member of gang which is operating on the India-Pakistan international border. He further submits that out of 21 prosecution witnesses, only 2 have been examined so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 05.06.2020. There is no other case registered or pending against the petitioner. The petitioner was not arrested at the spot. Prosecution witnesses are yet to be examined. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

12.11.2021

Renu Rawat

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*