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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.29634 of 2021 (O&M)

Date of decision: 29.07.2021

Jag Singh @ Jagga @ Jagsir Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Virk, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.90 dated 16.07.2021 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Baragudha, District Sirsa.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of SI Raja Ram, while on patrol duty, he apprehended co-accused Narpal Singh @ Bagga, who was coming in a car and on seeing the police party tried to take U-turn. Thereafter, by following a procedure, the search was conducted and 3.8 Kgs of Doda Post was recovered. It is further submitted that the petitioner was not present at the spot and his name surfaced in the disclosure statement of the co-accused that he has purchased the same from the petitioner. It is also argued that the petitioner is not involved in any other case and has no such history of involvement in any other case under the NDPS Act.

Lastly, counsel for the petitioner has referred to the

CASE HEARD THROUGH VIDEO CONFERENCING

judgment passed by the Hon'ble Supreme Court in ***“Tofan Singh vs State of Tamil Nadu”***, 2013(4) RCR (Criminal) 631, to submit that it will be a debatable issue whether the disclosure statement made by the co-accused will be admissible against the petitioner or not.

Counsel for the State has not disputed the factual position but opposed the prayer for bail on the ground that the co-accused Narpal Singh @ Bagga, has purchased the contraband from the petitioner.

After hearing the counsel for the parties, considering the fact that the petitioner is not involved in any other case and conclusion of the trial will take some time due to COVID-19 situation and also in view of the judgment passed by the Hon'ble Supreme Court in ***“Tofan Singh's case (supra)”***, this petition is allowed and the petitioner is directed to appear before the Investigation Officer within a period of 10 days from today to join the investigation and he will be released on interim bail on furnishing bail/surety bonds to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

29.07.2021

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Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No