

Through virtual mode

CRM-M-33659-2021

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33659-2021 (O&M)

Date of decision: 10.11.2021

Jugraj Singh @ Jagga

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Varinder Basa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.176 dated 19.11.2019 under Section 21 of NDPS Act and Section 25 of Arms Act (Section 29 of NDPS Act and Section 411 IPC were added later on), registered at Police Station City Batala, District Gurdaspur.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party apprehended Ajay @ Ajju Masih, Navjot Singh @ Jota, Gurwinder Singh @ Baba and Jugraj Singh and by following the proper

procedure, their search was conducted and 260 grams of heroin along with country-made pistol and live cartridges were recovered from co-accused Ajay @ Ajju Masih. It is further submitted that the petitioner is in custody for the last 01 year, 09 months and 09 days and he has been nominated in this case on the basis of disclosure statement of co-accused Navjot Singh @ Jota, however, as per disclosure statement of co-accused Navjot Singh @ Jota, he has not named the petitioner. Learned counsel has referred to disclosure statement of other co-accused also, to submit that in none of the disclosure statements, name of the petitioner surfaced and he has been nominated in this case without there being any connecting evidence.

Learned State counsel has filed the custody certificate dated 09.11.2021 in the Court today and has, however, submitted that the petitioner was taken on production warrants in the present FIR, while he was in custody in some other case and thereafter, he was nominated in this case. It is further submitted that though the challan stands presented, however, the charges have not been framed so far.

As per the custody certificate, the petitioner is in custody for the last 01 year, 09 months and 09 days and is involved in some other cases under IPC and Arms Act.

After hearing learned counsel for the parties, without commenting anything further on merits of the case and considering the fact that name of the petitioner is not appearing in any of disclosure statements made by co-accused, therefore, it will be a matter of trial as to how the petitioner is nominated in the

Through virtual mode

CRM-M-33659-2021

-3-

present case and he was taken on production warrants in this case, while he was in custody in some other case and also considering his long custody, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.11.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No