

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

CRM-M-39633 of 2020

DATE OF DECISION :- February 10, 2021

Jahangir Mohammad @ Jaingo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Ankush Singla, Advocate for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Jahangir Mohammad @ Jaingo, an accused in F.I.R. No. 133 dated 15.9.2020 registered with Police Station Dhanaula, District Barnala for offences under Sections 21, 22, 25 of NDPS Act.

Briefly stated the prosecution story is that on 15.9.2020, a police party lead by SI Gurbachan Singh from CIA staff, while being present at Bus Stand, Dhanaula in connection with official duties, at about 2.00 P.M. had received a secret information that Mandeep Singh @ Gora son of Sarban Singh, resident of Banger Patti Dhanaula, presently residing at Balmik Mohalla Dhanaula, Gaggi Nath son of Sadiya Nath, resident of Dana Mandi, Dhanaula, Avtar Singh son of Darshan Singh, resident of Bus Stand Dhanaula and Jaingo (present petitioner) were part of a group dealing with intoxicant tablets and Heroin selling those in the area of Dhanaula after

bringing contraband from outside and on that date Mandeep Singh @ Gora was bringing intoxicant tablets and Heroin from other states for the purpose of selling those in the area of Dhanaula. On the basis of secret information, Ruqa was sent to the Police Station, on the basis of which formal F.I.R was recorded. A raid was conducted and petitioner Mandeep Singh @ Gora was apprehended. 1110 intoxicant tablets were recovered from his possession. Petitioner accused Jahangir Mohammad @ Jaingo and Avtar Singh were arrested in this case on 16.9.2020. On 18.9.2020, Avtar Singh suffered a disclosure statement and got recovered 1050 intoxicant tablets whereas Gaggi Nath had also suffered a disclosure statement and got recovered 925 intoxicant tablets. No recovery had been effected from present petitioner Jahangir Mohammad @ Jaingo. He had moved an application for grant of regular bail, however, that application was dismissed by Judge Special Court, Barnala vide order dated 3.11.2020. Feeling aggrieved, he has knocked at the door of this Court carving for grant of similar relief, which request is being opposed by the State counsel.

I have learned counsel for the petitioner and learned State counsel besides going through the record.

Admittedly, no recovery had been effected from the petitioner in this case. Though he is named as suspect in the F.I.R but when he was arrested he was not found in possession of any contraband. Further more, no disclosure statement is said to have been suffered by him leading to recovery of any contraband. He cannot possibly be made liable for the contraband recovered from his co-accused more particularly when he was not found to be there with them at the time of recovery. The case is still at the stage of investigation. Learned State counsel on instructions from ASI

Manjit Singh has informed that petitioner is not involved in any other criminal case.

Therefore, considering all the facts and circumstances of the case, the petition calls for acceptance and the same is allowed. Petitioner Jahangir Mohammad @ Jaingo is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Barnala subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall join the investigation as and when directed by the Investigating Officer.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

February 10, 2021

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No