

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6510-2021 (O&M)
Date of decision: 17.05.2022

Jagjeet Singh @ Jagga

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Brar, 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.45 dated 07.06.2020 under Section 22 of NDPS Act, registered at Police Station Badhni Kalan, District Moga.

Learned counsel for the petitioner submits that the FIR was registered on the basis of secret information received by ASI Dilbag Singh with the allegations that while on patrol duty, the petitioner is habitual of selling intoxicant tablets and he can be apprehended with the same. Thereafter, he sent ruqa to the police station for registration of FIR and second Investigating Officer i.e. ASI Pritam Singh was deputed, who reached at the spot and gave

notice under Section 50 of NDPS Act and called DSP Jangjit Singh, a Gazetted Officer, in whose presence, recovery of 11000 intoxicant tablets of Tramadol Hydrochloride was effected from the petitioner. It is further submitted that the petitioner is in custody for the last 01 year, 11 months and 05 days; he is not involved in any other case and he has been falsely implicated in this case.

Learned counsel has placed on record an order dated 06.05.2022 passed in CRM-M-9434-2022, in which, while granting bail to accused Aman Kumar @ Aman Sharma and another, in a different FIR, it was observed that presence of DSP Jangjit Singh (who is also a Gazetted Officer in the present case) is not proved and it was observed that disciplinary action has been taken against him and other police officials. Now said DSP is facing trial. Even ASI Dilbag Singh was also involved in said FIR, wherein some orders were passed by this Court and therefore, considering antecedents of both DSP Jangjit Singh and ASI Dilbag Singh, the petitioner may be granted the concession of regular bail, as he is in long custody of about 01 year and 11 months.

Learned State counsel, on the basis of reply by way of affidavit of Deputy Superintendent of Police, Nihal Singh Wala, could not dispute the factual position and has submitted that departmental inquiry is initiated against DSP Jangjit Singh and ASI Pritam Singh and a case under Prevention of Corruption Act has been registered by Vigilance Bureau, Punjab.

In reply, learned counsel for the petitioner has submitted that allegation against ASI Pritam Singh in the said vigilance case is that he was demanding money from a person on the pretext of not involving him in some

false case under NDPS Act.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering long custody of the petitioner and the fact that he is not involved in any other case and out of total 15 prosecution witnesses, none has been examined, though charges were framed on 19.08.2021 and also in view of facts and circumstances of the case, as noticed above, 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

17.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No