

Jagsir Singh @ Jagga

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**Present:** Mr. Kulbir Singh Sekhon, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.160 dated 07.10.2021, registered under Sections 15/29 of the NDPS Act, at Police Station Vairoke, District Fazilka.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of SI Harbans Lal, while on petrol duty, a secret information was received that Lakhwinder Singh @ Lakha (co-accused), Krishan Singh @ Bittu and the petitioner Jagsir Singh @ Jagga, are indulged in smuggling of poppy husk from Rajasthan to Punjab and if a barrier is laid down, they can be apprehended. Thereafter, a barrier was put up and while coming in 02 cars, the accused were apprehended and the Gazetted Officer was called at the spot and on search of both the vehicles, the recovery of 90 Kgs of Poppy Husk was recovered from the car, in which the petitioner, Lakhwinder Singh and Krishan Singh were travelling whereas the

recovery of 60 Kgs of Poppy Husk, was effected from another car in which the co-accused Rameshwar Lal and Ashok Kumar, were travelling.

Counsel for the petitioner has further submitted that the petitioner is neither owner nor driver of the car and rather the petitioner is 60% handicapped because of suffering from Post-Polio and has relied upon his Handicapped Certificate issued by the Civil Surgeon, Ferozepur. It is also submitted that the petitioner is the first offender and he is not involved in any other case and is in custody for the last 04 months and 15 days and the FSL report has been received.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 04 months and 15 days; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

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.

24.02.2022	(ARVIND SINGH SANGWAN)
<i>yakub</i>	JUDGE
Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No