

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

205

CRM-M-8247-2022 (O&M)

Date of Decision: 06.05.2022

JAGDEEP SINGH @ JASSI @ BAGGA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Fariad Singh Virk, Advocate
for the petitioner.

Ms. A.K. Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.302, dated 23.12.2021 under Sections 302, 120-B & 34 of the Indian Penal Code, 1860 and Sections 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Lehra, District Sangrur.

Learned counsel appearing on behalf of the petitioner *inter alia* contends that the FIR in question has been registered at the instance of Sukho Kaur wife of Dara Singh with respect to death of her son Gurpreet Singh. It is contended that as per the case of prosecution, the deceased Gurpreet Singh had died on account of over-dose of the drugs, which he had procured from the co-accused namely Lovepreet Singh @ Lovi in the presence of witnesses. It is further contended that the name of the petitioner was arraigned as accused in the instant FIR on the basis of disclosure

statement of Lovepreet Singh @ Lovi, who had stated in his disclosure statement that he had purchased the drugs from the petitioner. It is contended that the petitioner is in custody since 01.01.2022 and pursuant to the disclosure statement of Lovepreet Singh @ Lovi, no recovery of any nature has been effected from the petitioner. He submits that insofar as the present case is concerned, there is no link evidence to attribute any participation of the petitioner in commission of the offence.

Ms. A.K. Khurana, DAG, Punjab, who is present in the Court, has placed on record the custody certificate of the petitioner, as per which, the petitioner is stated to be involved in three other cases also under the NDPS Act.

Learned counsel for the petitioner submits that those cases pertain to minor/non-commercial quantity and that the petitioner is already on bail in the said cases except for one case bearing FIR No.01 dated 01.01.2022 under Sections 21 and 29 of the NDPS Act, 1985, registered at Police Station Lehra, District Sangrur. It is further pointed out that the complainant in the instant case has already been examined and she (the complainant) has neither named nor attributed any role to the petitioner. The said fact remains uncontroverted and undisputed by the learned State counsel.

In view of the circumstances noticed above and taking into consideration the allegations levelled against the petitioner, the absence of any recovery from the petitioner and also the stage of trial coupled with the fact that the allegations have not been supported against the petitioner by the complainant, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

06.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No