

(223) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22320-2022
Date of Decision: 23.08.2022

JAGTAR SINGH @ MANNA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Waraich, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.215 dated 11.07.2020, registered under Sections 15, 29, 61, 85 of the NDPS Act with Police Station Patran, District Patiala.

2. The present FIR came to be registered at the instance of ASI Balwinder Singh, who stated that he along with the police party were present at Old Bus Stand, Patran for the search and checking of drug smugglers. At 4.45 PM, a special informer informed him that Jagga Singh, Jagtar Singh alias Manna (the present petitioner), Bhagwan Singh sons of Budh Singh son of Bhajan Singh, resident of village Munsiwala Police Station Dirba, Satgur Singh son of Budh Singh resident of village Majhi and Takha Singh son of Shingara Singh, resident of Village Jolian, Police Station Bhawanigarh, District Sangrur in connivance with each other are doing the business of selling poppy husk. All the accused had purchased a Kothi in PUDA Colony and had kept the pieces of dry poppy husk in the Jute bags at the Kothi. Jagga

Singh was sitting in the purchased Kothi for taking care of the poppy husk and if a raid was conducted, then Jagga Singh could be nabbed with huge quantity of poppy husk. Based on the said information, a raid took place leading to the recovery of 10 quintals 40 Kgs of poppy husk and the arrest of Jagga Singh.

3. The learned counsel for the petitioner *inter alia* contends that though the petitioner has been named in the FIR but no recovery was whatsoever has been effected from him. The owner of the house was Jagga Singh, who was arrested at the time of recovery from the said house. On the arrest of the petitioner no recovery was effected from him. The similarly situated co-accused of the petitioner have been granted the concession of anticipatory bail by this Court vide orders dated 02.09.2021 passed in CRM-M-8492-2021 (Annexure P-2), 02.09.2021 passed in CRM-M-11051-2021 (Annexure P-3), 22.11.2021 passed in CRM-M-22188-2021 (Annexure P-4), 02.09.2021 passed in CRM-M-12179-2021 (Annexure P-5) and 22.11.2021 passed in CRM-M-18020-2021 (Annexure P-6). He further contends that the petitioner has been in custody since 24.01.2021. He therefore, prays for the grant of regular bail.

4. On the other hand, the learned State counsel contends that the petitioner is named in the secret information leading to the registration of the FIR. Therefore, the petitioner did not deserve the concession of regular bail. He however, does not dispute the fact that no recovery has been effected from the petitioner and his co-accused have already been granted the concession of anticipatory bail by this Court.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner has been in custody since 24.01.2021. No recovery whatsoever has been effected from him. The identically situated co-accused of the petitioner have been granted the concession of anticipatory bail by this Court vide orders Annexures P-2 to P-6. The petitioner is accused in another case under the NDPS Act in which he has been granted the concession of anticipatory bail. The investigation stands completed and the trial is not likely to be concluded in the near future.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jagtar Singh @ Manna son of Budh Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than those mentioned in the present bail petition.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

23.08.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No