

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38342-2021 (O & M)

Date of decision: 09.03.2022

Jasveer Singh alias Seera

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gaurav Sharma, Advocate, for the petitioner.

Mr. Rehat Bir Singh Mann, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail to the petitioner under Section 439 Cr.P.C. in a case bearing FIR No.80 dated 02.07.2021 under Sections 21/22/25/29/61/85 of the NDPS Act registered with Police Station Barnala, District Barnala.

As per the FIR, a secret information was received by the investigating officer that Manpreet Das alias Mani, Jagsir Singh and Bittu Singh were in the habit of selling intoxicant tablets, if a search be made, they were likely to be apprehended along with the contraband. Based on the said complaint, the aforementioned FIR was recorded. Subsequent thereto, the police party during the checking, apprehended Manpreet Das alias Mani and Jagsir Singh, and from their possession, one motor cycle make Splendour black colour bearing registration No.PB-19G-3868 and black-coloured polythene envelope containing 1200 intoxicant tablets, was found and 30 grams of intoxicating powder was also recovered.

During the course of the investigation and interrogation of the accused, the present petitioner-Jasveer Singh alias Seera was nominated as an accused. The allegations against him were that he was a consumer of the contraband and also sold the same. However, when the petitioner was arrested, no recovery was effected from him.

The learned counsel for the petitioner submits that the statement of the co-accused qua the present petitioner is inadmissible in evidence. He relies upon *Tofan Singh versus State of Tamil Nadu, 2020 AIR (Supreme Court) 5592*, *'Rakesh Kumar Singla versus Union of India 2021 (1) RCR (Criminal) 704'* and *'Surinder Kumar Khanna versus Intelligence Officer Directorate of Revenue Intelligence, 2018(3) RCR (Criminal) 954'*. He further states that this is the first FIR against the petitioner and he has no prior criminal record except one other case. Thus, he prays that the petitioner be grant the concession of regular bail.

The learned counsel for the State has filed the status report dated 24.01.2022 by way of affidavit of Rajesh Snehi Batta, Deputy Superintendent of Police Sub Division, Barnala, enumerating the facts and the manner in which the investigating was conducted and the petitioner arrested. A perusal of the status report would show that no recovery whatsoever has been effected from the petitioner and the only evidence against him is the statement of the co-accused recorded in the police custody. The custody certificate dated 08.03.2022 produced by the learned Stated counsel would also show that the petitioner has been in custody for a period of 06 months and 18 days in this case and in the second FIR i.e. FIR No.317 dated 26.06.2021 under Sections 379-B IPC and Sections 21, 29, 61, 85 of

the NDPS Act, registered with Police Station City Barnala, it is stated that a small quantity of contraband was recovered. The custody certificate dated 08.03.2022 is taken on record.

I have heard the rival contentions of both the parties.

No recovery whatsoever has been effected from the person of the petitioner and his name has been disclosed in the confessional statement of his co-accused, the evidentiary value of which will be a subject-matter of the trial. According to the custody certificate, the petitioner has undergone a total custody period of 06 months and 18 days as on 08.03.2022. The trial is not likely to conclude in the near future.

Keeping in view the aforementioned facts, without going into the merits of the case, the present petition is allowed and the petitioner- Jasveer Singh alias Seera is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Barnala.

(JASJIT SINGH BEDI)
JUDGE

March 09, 2022
sukhpreet

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