

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9658-2023
DECIDED ON: 31.08.2023

JAGDEV SINGH @ JAGGA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Daljeet Singh Virk, Advocate for
Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail in FIR No.41, dated 08.05.2022, under Sections 419, 420, 120-B of IPC, Section 27(a) of NDPS Act and Sections 25(6) 25(7) and 25(8) of Arms Act, registered at Police Station Mehna, District Moga (Annexure P-1).
2. Learned counsel for the petitioner urges that the role attributed to the petitioner is for preparing the fake identity cards, which help in furtherance of procuring fake SIM cards and supply those phone numbers to gangsters, who are lodged in jail. Apart from merits on humanitarian grounds, it has been submitted that wife of the petitioner namely Prachi/Riya has delivered two premature babies on 22.09.2021 and both are to be operated on 04.09.2023.
3. It is also vehemently contends that no recovery whatsoever has been made from the petitioner to connect him with the commissioning of offence under Section 27(a) of NDPS Act and Sections 25(6) 25(7) and 25(8) of Arms Act, as has been narrated in the FIR, which reads as under:-

“To: The Station House Officer, Police station Mehna, "Fateh". Today, I ASI alongwith ASI Charanjit Singh No.07/Moga, ASI Harjinder Singh No.1163/Moga, ASI Ashok Kumar No.615/Moga, S/CT Harjinder Singh NO.1121/Moga, S/CT Jora Singh NO.1102/Moga, CT Lovpreet Singh No.235/Moga were present under the Flyover, Bughipura Chowk on a government vehicle registration No. PB-29H-8312 which was being driven by ASI Charanjit Singh No.293/Moga duly fitted with the Laptop, Printer which would operate by CT Lovpreet Singh No.235/Moga, for patrolling and checking of suspected persons where, secret informer came to me (ASI) and gave information that Jagdev Singh @ Jagga son of Amarjit Singh, resident of New Parwana Nagar, Moga who does the work of smuggling intoxicants against whom, several cases have already been registered. That now by misleading the gullible people by getting their identity proofs and issuing SIM card on the basis of their proofs, provide/make available the same to the Gangsters/smugglers confined in various jails. At the behest of the gangsters/Smugglers, he supplies the ammunition and drugs to the members of this gang. That the information being true and reliable, offence under sections 419, 420, 120-B IPC and 27-A of NDPS Act as well as sections 25(6) (7) (8), 54, 59 of Arms Act is made out against Jagdev Singh @ Jagga for misleading the gullible people by getting their identity proofs and issuing SIM card on the basis of their proofs, providing the same to the Gangsters/smugglers confined in various jails and to supply arms/ammunition and drugs to the persons of their gang. So ruqa is hereby sent to the police station Mehna through SC Harjinder Singh No.1121/Moga for registration of case against Jagdev Singh @ Jagga son of Amarjit Singh, resident of New Parwana Nagar, Moga. Number be informed after registration of the case. Special reports be issued and intimation be given to the senior officers and at PCR Moga. I, ASI alongwith fellow employees are busy in the investigation at the spot. Sd/- Varinder Kumar, ASI, CIA Staff, Moga, Dated: 08.05.2022. Today under the Bridge, Baghipura Chowk at 5.40 PM.

Today on receipt of the aforesaid ruqa in the police station, the aforesaid case has been registered against the above mentioned

accused. The original ruqa alongwith FIR are hereby sent to the Investigating Officer at the spot through special SCT. The special reports are being sent to the senior officers and Duty Magistrate through HC Rajinder Singh No.1120/Moga. Intimation is being given at the PCR Moga.”

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He contends that the petitioner is a habitual offender, who is involved in various other cases and does not deserve the concession of bail. Though, he could not controvert the fact that in all the other FIRs, the petitioner is on bail.

5. On a query put by this Court, learned State counsel candidly admits that no recovery of any contraband has been recovered from the possession of the petitioner.

6. Be that as it may, in the light of custody period already suffered by the petitioner i.e., 1 year, 2 months and 28 days and also the fact that he is on bail in all the other FIRs, wherein trial is likely to take long time, as out of total 10 witnesses 5 have been examined. The antecedents of the petitioner are also satisfactory on account of the fact that he has never been absented from the concession of furlough at any stage. As far as pendency of other cases are concerned as has been stated by learned State counsel, no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

31.08.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>