

204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22041-2021
Date of Decision: 24.02.2023.

JOBANJIT SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No.208 dated 17.12.2020 under Section 21 of the NDPS Act registered at Police Station Gharinda, District Amritsar.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the present case was registered against unknown persons as BSF officials had found three packets containing 3.250 kg of heroin near border fencing. The BSF official had fired gunshots, no one was injured and allegedly the unknown persons, who came to collect the consignment, had managed to slip away. The petitioner is in custody for a period of 02 years, 01 month and 20 days, the charge is yet to be framed and not involved in any other case. The similarly placed co-accused, namely, Jaskaran Singh and Balwinder Singh @ Billa have been granted regular bail in terms of the order dated 31.01.2023 passed in CRM-M-53706-2022 and CRM-M-54603-2022, respectively.

Learned State counsel has opposed the bail application on the score that the petitioner has been nominated on the basis of disclosure statement of Jaskaran Singh and furthermore, the mobile phone of the petitioner was active in the area where the contraband was recovered.

Be that as it may, the admissibility and reliability of disclosure statement of co-accused will be a debatable and moot point during the course of trial. The only incriminating evidence as pointed out at this stage is that the mobile phone of the petitioner was active at the time of recovery in the area. Moreover, as per the disclosure statement, the petitioner alongwith co-accused Jaskaran Singh and Balwinder Singh @ Billa were to collect the consignment which was passed on from Pakistan side but on being challenged by BSF officials, they managed to slip away. No recovery has been effected from the person of the petitioner and he is not involved in any other case. The petitioner is in custody for a period of 02 years, 01 month and 20 days and charge is yet to be framed. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody. The co-accused namely Jaskaran Singh and Balwinder Singh @ Billa have been released on bail.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

24.02.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No