

CRM-M-35949-2023 (O&M)

217 (1st case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35949-2023 (O&M)

Date of decision: November 15, 2023

Jasvir Singh @ Sheera

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**Present:-** Mr. Ashok Giri, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C., in case FIR No.51 dated 12.06.2023, under Sections 21(C) and 29 of the NDPS Act and Sections 307/ 279/ 427/ 186/ 353 of IPC, registered at Police Station Sadar Nakodar, District Jalandhar.

2. On the last date of hearing, i.e., on 10.08.2023, while noticing the following submissions made by the learned counsel for the petitioner, this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner while drawing the attention of this Court to the FIR which has been reproduced in the body of the petition, submits that co-accused Gujral Singh @ Joga was apprehended on suspicion and a recovery of 06 kgs of heroin was effected from him. Soon thereafter, he suffered a disclosure statement on 14.06.2023 wherein he named 5 co-accused, however, there was no mention made of the petitioner much less his role. In support, learned counsel has drawn the attention of this Court to a copy of the disclosure statement (Annexure P-1) wherein the said fact stands reflected. He submits that it was subsequently on the following day, the co-accused suffered a second disclosure statement wherein he nominated the petitioner and stated that the petitioner had given him some money to purchase 01 kg of heroin. Learned counsel submits that such disclosure statement on the basis of which he has been nominated as an accused has very weak evidentiary value and all this needs to be appreciated in the light of the fact that there are no criminal cases pending against the petitioner as on date.”

3. Learned counsel for the petitioner submits that in compliance of order dated 10.08.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 10.08.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

November 15, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No