

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38262-2023

Date of Decision: 04.10.2023

Jasmeet Singh alias Jagga

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ritesh Pandey, Advocate, for the petitioner.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present second petition is for the grant of regular bail to the petitioner in a case FIR No.88 dated 28.11.2021, registered under Sections 3, 4, 5 of Explosive Substances Act 1908 and Section 25 of Arms Act and Section 120-B IPC, at Police Station Bhani Mian Khan, District Gurdaspur.

Adumbrated facts of the case are that a secret information was received by the Police that Raj Singh @ Sindhu confined at Central Jail, Hoshiarpur in connection with a murder case, has been released on bail. It was informed that Raj Singh @ Sindhu alongwith Jagmeet Singh @ Jagga (petitioner) were likely to come on motorcycle marka Splendor with intention to commit some unlawful activity and if a naka is laid, they can be arrested on spot with the weapons. Finding the secret information reliable, the FIR was registered and the naka was laid. At the naka, the petitioner was found to be driving the motorcycle whereas Raj Singh was pillion rider. Both were arrested on the spot. Search was conducted and on search of the petitioner, a mobile phone and three currency notes of denomination 100 each were recovered. On search of accused Raj Singh, one pistol alongwith

magazine and one mobile phone was recovered. The investigation was completed and the challan was finally presented against five accused. The petitioner approached the Court of Sessions Judge, Gurdaspur for bail and the same was declined vide order dated 27.03.2023. The petitioner on the earlier occasion approached this Court by way of filing CRM-M-20224-2022, however, the same was allowed to be dismissed as withdrawn vide order dated 11.01.2023. Hence, the petitioner has approached this Court again by way of filing the present second petition for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in this case. He has submitted that the FIR has been registered in this case on the basis of secret information. He has submitted that the petitioner was named in the secret information, however, on his personal search, no weapon whatsoever was recovered from him, whereas, the same was allegedly recovered from accused Raj Singh and accused Sonu. He has submitted that the petitioner has no criminal antecedents and he has been framed in this case for the offence under Section 120-B IPC. He has submitted that recovery of explosive has been effected from the co-accused Raj Singh and Sonu (named in disclosure statement of Raj Singh), whereas, from the petitioner only a mobile phone was recovered. He further submits that the investigation is complete and charges have been framed and the petitioner is having no criminal antecedents, thus, he deserves to be granted bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner. She has submitted that the petitioner was specifically named in the secret information and thus, after sending ruka, naka was laid and the petitioner was arrested on the spot.

It is submitted that though the petitioner has no criminal antecedents,

however, the allegations against the co-accused are serious in nature. It is further submitted that out of 21 prosecution witnesses, 3 witnesses are given up and only Investigating Officer has been examined so far.

Heard.

Evidently, the FIR in the case was registered on the basis of the secret information and the petitioner was arrested on the spot after laying naka, which was laid in pursuance to the secret information. On the personal search of the petitioner, a mobile phone was found to have been recovered. The explosive etc. were recovered on the disclosure statement made by the co-accused. There is nothing on record to show that the petitioner is involved in any other criminal case. Out of total 21 prosecution witnesses, 3 witnesses have been given up and 1 witness i.e. the Investigating Officer, has been examined. This Court would refrain itself from commenting anything on merits of the case. However, considering the prayer for grant of bail to the petitioner, this Court is of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time in its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.10.2023
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No