

2023:PHHC:131605

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

218

CRM-M-44410-2023

Date of decision : 10.10.2023

Jagsir Singh @ Jagga**..... Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.68 dated 31.05.2023, registered for the offences punishable under Sections 21, 22, 29 (Act No.61 of 1985) of NDPS Act, 1985, at Police Station Tapa Mandi, District Barnala.

2. Counsel for the petitioner submits that it is not a case wherein any contraband has been recovered from the petitioner, but he has been nominated on the disclosure made by co-accused Sandeep Singh @ Daroga.

3. In view of dictum of law laid down by Apex Court in the case of *Tofan Singh vs. State of Tamil Nadu* reported as *(2021) 4 SCC 1*, the statement made by co-accused Sandeep Singh @ Daroga in police custody cannot be relied upon to implicate the petitioner and apart from the said disclosure, there is nothing against the petitioner that can link

2023:PHHC:131605

him to the present offence.

4. Per contra, counsel for the State however submits that the petitioner is a habitual offender having 02 more cases against him under NDPS Act.

5. Faced with the situation, counsel for the petitioner submits that so far as FIR No.86 dated 26.07.2017 is concerned, the petitioner has earned acquittal. In FIR No.17 dated 17.04.2021, the petitioner is on bail and thus in those cases, the petitioner cannot be denied the concession of regular bail more so, in view of the fact that investigation already stands concluded and the challan stands presented.

6. Learned State counsel does not dispute the said fact.

7. Keeping in view the incarceration suffered by the petitioner and the fact that investigation already stands concluded, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.
- (v) The petitioner shall deposit his passport, if any with the trial Court.

2023:PHHC:131605

- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

10.10.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No