

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-48285-2022 (O&M)
Date of Decision:-22.2.2023

Jagmohan Singh @ Jaggu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Giri, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by Sub Inspector Sanjiwan Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.313, dated 17.11.2020 at Police Station Shahkot, District Jalandhar Rural, under Sections 21(c)/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 25/54/59 of Arms Act, Sections 7(2) and 13 of Prevention of Corruption Act.
2. As per the case of prosecution on 17.11.2020, Harjinder Pal @ Kala alongwith three others namely Ranjit Singh, Sanjeev @ Sintu, Krishan Singh @ Daulat was apprehended by the police while they were travelling in a car and 11 kilograms of 'heroin' was recovered from a polythene envelope carried by Ranjit Singh. It is further alleged that Harjinder Pal @ Kala,

Sanjeev @ Sintu and Krishan Singh @ Daulat were found in possession of Rs.2.25 lacs, Rs. 3.10 lacs and Rs. 3.50 lacs of drug money. Additionally, another amount of Rs. 2.40 lacs was recovered from the dashboard of the car. It is, thus, alleged that the aforesaid four accused were found in possession of 11 kilograms of 'heroin' and Rs. 11.25 lacs of drug money. It is further the case of prosecution that during the course of interrogation of accused on 18.11.2020, Krishan Singh disclosed that he came in touch with Barinder Singh, who was working as a Constable in Border Security Force (BSF) and a deal was struck with him that Barinder Singh will supply 'heroin' @ Rs. 1 lac per-packet, which would be procured from Pakistan from across the border. He further alleged that on the night intervening 10.10.2020/11.10.2020, 20 packets of 'heroin' had been thrown by Pakistani smugglers and that he (Krishan Singh) alongwith Jasvir Singh @ Jassa, Balkar Singh @ Bali and Ranjit Singh brought 20 kilograms of 'heroin' contained in packets and that one such packet was kept by Balkar Singh @ Bali. Krishan further disclosed that the said 20 kilograms of 'heroin' was initially stored in the house of brother-in-law of Jasvir Singh @ Jassa namely Jagmohan Singh (petitioner) for 15 days and thereafter was shifted to his house (Krishan's house).

3. Short reply by way of affidavit of Shri Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Shahkot, District Jalandhar (Rural) has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by Ranjit Singh and Krishan Singh and that the veracity of such like disclosure

statement would be debatable particularly when no recovery whatsoever was ever effected from the petitioner.

5. Opposing the petition, learned State counsel has submitted that the petitioner is part of a large drug trafficking scam, wherein co-accused have been smuggling contraband from across the border. It has further been submitted that co-accused Krishan Singh had disclosed that 20 kilograms of '*heroin*' had been stored in the house of petitioner for 15 days before the same was shifted in the house of Krishan and that, as such, his complicity is clearly evident. Learned State counsel has informed that the petitioner as on date has been behind bars since the last more than 2 years and 2 months and otherwise is not involved in any other case. It has also been informed that as on date 2 PWs out of the cited 41 PWs have been examined.
6. This Court has considered the rival submissions addressed before this Court.
7. It is not in dispute that the petitioner is neither named in the FIR nor is alleged to have been found in possession of any contraband. The petitioner came to be nominated on the basis of disclosure statement, wherein allegations are to the effect that at some point of time 20 kilograms of '*heroin*' had been stored in his house for about 15 days. The petitioner has been behind bars for a substantial period of more than 2 years and 2 months. The petitioner is not stated to be involved in any other case. Conclusion of trial is likely to consume time inasmuch as only 2 PWs out of the cited 41 PWs have been examined so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his

furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.2.2023
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No