

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

234

CRM-M-51214-2022

Date of Decision: 09.01.2023

Jagroop Singh @ Gora

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Amit Arora, Advocate for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 06.01.2023 along with reply dated 16.12.202, filed by way of affidavit of Sh. Arun Sharma, Deputy Superintendent of Police, Sub Division Khadoor Sahib, Camp at Goindwal Sahib, District Tarn Taran, in compliance with the order dated 11.11.2022, are taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 167 dated 05.08.2021 registered under Sections 21 and 29 of the NDPS Act at Police Station Goindwal Sahib, District Tarn Taran.

Brief facts of the case are that on 05.08.2021, two co-accused of the petitioner, namely, Amritpal Singh and Narinder Singh, were intercepted, while riding on a motorcycle. On seeing the police party, they threw two envelopes. During interrogation, they revealed that

the contents of two envelopes/polythene packets thrown by them was heroine. Upon weighing, the envelope thrown by co-accused Amritpal Singh was found to contain 155 grams of heroin whereas the envelope thrown by co-accused-Narinder Singh, was found to contain 105 grams of heroin, in total 260 grams of heroin. During investigation on 07.08.2021, both the accused have suffered a disclosure statement to the effect that the alleged contraband recovered from them was purchased by them from Jagroop Singh @ Gora (petitioner herein). On the basis of said statement of both the accused, petitioner-Jagroop Singh @ Gora, was nominated in the FIR and was arrested on 04.01.2022.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case on the basis of disclosure statement suffered by his co-accused which is a very weak type of evidence. The petitioner is in custody since 04.01.2022. After completion of investigation, challan has already been presented before the trial Court and charges have also been framed by the trial Court. Out of total 16 prosecution witnesses, one witness has already been examined by the trial Court. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely; Amritpal Singh @ Amrit and Narinder Singh @ Sonu, have already been granted regular bail by a co-ordinate Bench of this Court vide orders dated 23.05.2022 and 08.03.2022 (Annexures P-1 and P-2, respectively). Therefore, the petitioner may be released on regular bail.

On the contrary, learned State counsel opposed the present

petition for grant of regular bail to the petitioner. He submits that petitioner is also involved in one more case under the NDPS Act bearing FIR No. 253 dated 02.12.2021 under Section 21 of the NDPS Act, Police Station Goindwal Sahib. He fairly conceded the fact that the petitioner is on bail, in the aforesaid second case.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, the fact that the petitioner was involved in the present case on the basis of disclosure statement suffered by his co-accused, parity with co-accused, namely, Amritpal Singh @ Amrit and Narinder Singh @ Sonu, who have already been granted regular bail by a co-ordinate Bench of this Court vide orders dated 23.05.2022 and 08.03.2022 (Annexures P-1 and P-2, respectively) and also the fact that conclusion of trial may take a long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Jagroop Singh @ Gora, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

January 09, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No