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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-61002-2023

Date of decision : 11.12.2023

Mintu Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sukhdeep Singh, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
with ASI Nirmal Singh.

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.140 dated 06.09.2023, registered for the offences punishable under Section 22 of NDPS Act, 1985 and Section 25 of Arms Act, 1959 (Section 29 of NDPS Act, 1985 added later on) at Police Station Dhanaula, District Barnala.

2. As per the case of prosecution, Manpreet Singh, Kuldeep Singh, Harpreet Singh @ Ramu son of Nirmal Singh and Harpreet Singh son of Baldev Singh were found to be in conscious possession of loose intoxicant 1050 tablets, one country made pistol 315 bore and 02 live cartridges 8 MM K.F. and were booked under the relevant provision of NDPS Act as well as Arms Act. It has been further claimed that the said accused who were apprehended further disclosed name of Inderjit Singh and Jagjit Singh. The said accused who were

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nominated on the disclosure made by main accused further during course of interrogation nominated present petitioner Mintu Singh.

3. Counsel for the petitioner submits that apart from the aforesaid alleged disclosure made by Inderjit Singh and Jagjit Singh that too during the course of interrogation, there is no evidence against the petitioner that links him to the present FIR. Petitioner is behind bars since 09.10.2023. Counsel further submits that so far as Jagjit Singh @ Jeet Singh is concerned, he already stands admitted to regular bail by this Court vide order dated 08.11.2023 passed in CRM-M-55021-2023 observing as under:-

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.0140 dated 06.09.2023 registered under Sections 22 of NDPS Act and Section 25 of Arms Act, Section 29 NDPS Act (added later on) at Police Station Dhanaula, District Barnala.

2 As per the prosecution 4 persons namely Manpreet Singh, Kuldeep Singh, Harpreet Singh son of Nirmal Singh and Harpreet Singh son of Baldev Singh were apprehended on 06.09.2023 and were found to be in conscious possession of loose intoxicant tablets, 1050 nos., one country made pistol, 315 bore and two live cartridges, 8 MM K.F. and were booked in the present FIR. It has been further claimed that during interrogation the aforesaid culprits named one Inderjit Singh and Jagjit Singh, the present petitioner. On the basis of the disclosure made by them, the petitioner was nominated invoking Section 29 of the NDPS Act.

3 Learned counsel for the petitioner submits that in view of law laid down by Apex Court in the

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case of *Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1* such disclosure made by co-accused while in police custody alone can not yoke the petitioner to the present offence and apart from the said disclosure there being no other evidence against the petitioner, therefore, the petitioner would be entitled for grant of regular bail.

4 Learned State counsel on instructions from HC Ranjit Singh admits that apart from the disclosure made by co-accused, there is no other evidence as on date against the petitioner.

5 I have heard learned counsel for the parties and have gone through the records of the case.

6 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on 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 while on bail.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (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.*

7 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.”

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4. It has thus being claimed that the case of the petitioner is on rather better footing than Jagjit Singh @ Jeet Singh.

5. Without further commenting on the merits of the case, keeping in view that the petitioner was nominated by Jagjit Singh @ Jeet Singh, who was further nominated by the main accused, 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 while on bail.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (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.

6. 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.

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7. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

11.12.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No