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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29365-2024

Date of decision : 03.07.2024

Jagsir Singh @ Seera @ Tari

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. A.S. Barnala, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 439 read with Section 482 Cr.P.C. praying for grant of regular bail in case FIR No.02 dated 06.01.2023, under Sections 21, 22, 29 of NDPS Act, 1985 registered at Police Station Tapa, Mandi, District Barnala.

Adumbrated facts of the case are that the Police received a secret information that Parwinder Singh @ Pappi is involved in selling the intoxicant tablets and intoxicant powder. Finding the information credible, ruqa was sent and FIR was registered against him. On the registration of the FIR, Naka was laid and Parwinder Singh was arrested by the investigating agency along with the contraband i.e. 200 loose intoxicant tablets. On his arrest, investigation was commenced and the samples were taken and the same were sent to the FSL. During the investigation, the name of the petitioner surfaced on the basis of the disclosure statement then he was arrested. He approached the Learned Special Judge, Barnala praying for



grant of bail, however, the same was declined by the Ld. Special Court vide order dated 07.05.2024. Aggrieved by the same, the petitioner approached has this Court praying for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that the petitioner is named in the present case on the basis of disclosure statement and no recovery was effected from him. He submits that during the investigation, accused namely, Parwinder Singh made the disclosure regarding Deena Singh and Tari Singh, who were arrayed as accused. He submits that on the basis of disclosure made by Manpreet Singh @ Deena, the petitioner was also arrayed as an accused in the present case. It is submitted that at the first instance, Parwinder Singh who was arrested along with the contraband did not disclose anything about the petitioner, however, it is on the second disclosure the petitioner was deliberately arrayed as an accused in the present case. He submits that the petitioner was involved in other similar case, however, he is on bail in that case. He submits that the challan is presented and charges are also framed. However, no witness has been examined and the only evidence against the petitioner is the disclosure of the co-accused which is not an admissible evidence and as such he deserves to be granted regular bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that during investigation the name of the petitioner has surfaced in the present case. He submits that petitioner is involved in other two cases i.e. one is under the NDPS Act and the other one is under Section 304 IPC. He submits that the challan is presented and charges are framed and out of 16 prosecution witnesses, no one is examined so far. He submits that in the overall facts and circumstances of the case, petitioner does not deserve to be granted bail.



Heard. On hearing counsel for the parties and perusing the record, it is apparent that the secret information was received regarding the co-accused Parwinder Singh and the petitioner was not named in the same. On the basis of the disclosure Statement of Parwinder Singh, two more accused namely, Deena Singh and Tari Singh were arrayed and it is only on the disclosure of one of the co-accused, the petitioner was named in the present FIR. Though the petitioner is said to be involved in other two cases but he is already on bail in on of the case. Challan is already presented and charges are also framed.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds 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.

03.07.2024
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No