



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33937-2024
Date of decision: 23.08.2024

JAGDEV SINGH ALIAS JAGGA ...PETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Anand Kaushal, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
46	15.03.2023	21 (a) of Narcotic Drugs and Psychotropic Substances Act, 1985 offence under Section 27-A, 29 of Narcotic Durgs and Psychotropic Substances Act, 1985 and Section 24 and 27 of Arms Act added later on vide Rapat No.34 and 008 dated 16.03.2023.	City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. Mr. Satnam Singh, Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, is present in Court and tendered reply vide his sworn affidavit dated 23.08.2024, which is taken on record. He has tendered unconditional apology and assured to be more careful in future. Keeping in view the same, the apology tendered by the concerned officer is



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accepted. Investigating officer of the case SI Sukhwinder Singh is present in Court along with record today.

3. It is submitted by learned counsel for the petitioner that in compliance to the order dated 31.07.2024 passed by this Court, the petitioner has already joined the investigation and co-operated to the same and as such prayed for confirming the interim bail granted vide order dated 31.07.2024.

4. Learned State counsel, on instructions received from SI Sukhwinder Singh, intimates the Court that the petitioner has already joined investigation and is neither required for further investigation nor for any custodial investigation.

5. During the course of hearing on 31.07.2024, following order was passed:

“ 2. Learned counsel for the petitioner submits that as per the version of the prosecution, the petitioner has been nominated as accused on the basis of disclosure statement made by accused Sunil Kumar, from whom 5 grams of heroin was recovered by the Police.

3. As per the status report filed today, there is only one case stated to be registered against the petitioner under the NDPS Act i.e. FIR No.28 dated 21.03.2017 registered under Section 307/34 IPC and Section 21 of the NDPS Act at Police Station Sadar Tarn Taran with regard to which learned counsel for the petitioner has handed over a copy of the judgment dated 18.03.2021 passed by learned Judge, Special Court, Tarn Taran to state that the petitioner has since been acquitted in the aforesaid case.



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4. *This aspect regarding the petitioner being acquitted way back on 18.03.2021 has not been mentioned by the concerned Deputy Superintendent of Police, who has furnished the status report by way of his affidavit and has tried to mislead the Court intentionally by withholding the relevant information.*

5. *Let the explanation of the concerned Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, be called explaining the reason as to why legal proceedings be not initiated against him for intentionally misleading the Court. He is also directed to remain present in Court on the next date of hearing along with record.*

6. *List on 23.08.2024.*

7. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. ”*

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 31.07.2024 passed by this Court, interim bail granted vide order dated 31.07.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the



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evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.
8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

23.08.2024
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- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No