

228

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-49697-2023 (O&M)  
Date of Decision:- 06.02.2024

JAGWINDER DASS ALIAS JAGWINDER SINGH ALIAS KALA  
MAHANT

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

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

Mr. Harpreet Singh, Additional AG Punjab.

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**SANJIV BERRY, J. (ORAL)**

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

| FIR No. | Dated      | Sections                                                   | Police Station                    |
|---------|------------|------------------------------------------------------------|-----------------------------------|
| 121     | 17.11.2021 | 21 and 22 of the NDPS Act<br>(29 NDPS Act added later on ) | Sadar Zira, District<br>Ferozepur |

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the alleged recovery has been effected from co-accused Baldev Singh @ Teji and the petitioner has been nominated on the basis of disclosure statement made by said Baldev Singh @ Teji, with whom the petitioner has no concern. He submits that the petitioner is in custody since

23.11.2021 and there is no other case pending against him. He further submits that even co-accused Baldev Singh @ Teji, from whom the alleged recovery was effected, had already been granted the concession of bail vide order dated 28.08.2023 passed in CRM-M-12330-2023. He thus prayed for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel submits that the petitioner is not entitled to the concession of bail considering the nature of the offence. However, he has admitted the fact that co-accused Baldev Singh @ Teji has already been granted the concession of bail by this Court and as per the case of prosecution, no recovery was effected from the petitioner, nominated on the basis of disclosure statement made by Baldev Singh @ Teji.

4. Heard.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, admittedly, the recovery of contraband was effected from accused Baldev Singh @ Teji and in his disclosure statement, he had nominated the petitioner. Accordingly, the petitioner was arrested on 23.11.2021 and no recovery was effected from him and since then he is in custody. Challan has already been presented in Court and the conclusion of trial to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under the NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)

JUDGE

06.02.2024

S.Sharma(syr)

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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |