

CRM-M-57229-2023
Date of Decision:18.03.2024

JAGJEET SINGH @ JAGGI
....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS
....Respondent(s)

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Buta Singh Bairagi, Advocate
for the petitioner.

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J.
Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.141 dated 07.10.2021 registered for the offences punishable under Sections 22, 29, 61 85 of NDPS Act at Police Station Badhni Kalan, District Moga, Punjab.

2. The allegations in nutshell are that on 07.10.2021, police apprehended co-accused Jagdeep Singh @ Kakku and recovered 15 strips of tablets Deproz 0.5 mg each having 10 tablets. During investigation, said Jagdeep Singh @ Kakku suffered disclosure statement against the present petitioner and thereafter petitioner was nominated as an accused and arrested by the police.

3. Counsel for the petitioner submits that the petitioner who is having no criminal history is in custody in the present case for last more than 6 months and 28 days It is further submitted that petitioner was not named in the FIR which was registered against Jagdeep Singh @ Kakku

from whom police recovered commercial quantity of contraband. It is

further submitted that the petitioner was nominated as accused on the basis of disclosure statement made by said Jagdeep Singh @ Kakku and arrested by the police. Counsel for the petitioner further submits that the admissibility of said disclosure statement made by co-accused against the petitioner is subject matter of trial. That it will take considerable time for the trial to conclude. It is further submitted that co-accused Jagdeep Singh@ Kakku from whom the alleged contraband was recovered is given concession of regular bail vide order dated 06.12.2022 having CRM-M-25671-2022 and further submits that no purpose is going to be served by prolonging the judicial custody of the petitioner.

4. Present petition is resisted by the State counsel, who submits that in the present case commercial quantity of medical intoxicants were recovered from co-accused Jagdeep Singh @ Kakku, who suffered disclosure statement and resultantly, petitioner was nominated as accused and arrested. However, State counsel has not disputed the fact that petitioner is having no criminal history and no contraband was recovered from conscious possession of the petitioner and that trial will commence after framing of charges.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR. The name of the petitioner surfaced in disclosure statement made by co-accused Jagdeep Singh @ Kakku from whom police recovered commercial quantity of contraband. The said disclosure statement will be tested during trial. As per the custody certificate furnished by the State counsel, petitioner is in custody for last more than 6 months and 28 days

and is having no criminal antecedents. It is not disputed that main

accused Jagdeep Singh @ Kakku was granted regular bail vide order dated 06.12.2022. Admittedly, trial will start after the framing of charges in the present case. Even after framing of charges it will take considerable time for the trial to conclude.

7. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.03.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No