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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56515-2024**Date of Decision: 19.11.2024**

Jagdish Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kanisth Ganeriwala, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.72 dated 15.07.2022 registered under Section 15 of NDPA Act (Section 29 of NDPS Act added later on), at Police Station Bahavwala, District Fazilka.

2. In the present case, the FIR was registered on the basis of the complaint moved by Manjit Singh, ASI and the same has been reproduced below:-

“To the Incharge, Police Station Bahav Wala, Jai Hind, Today I ASI including HC Jagjit Singh No 913/FZK, HC Harsh Kumar 835/FZK, Sepoy Chintu Singh 1251/FZK, PHG Ratan Lal No. 6608 were present at the nakabandi at Chowk Seeto Gunno, then a secret informant told me that a Mahindra Bolero Pick Up vehicle which is without number is loaded with poppy husk is coming from Rajasthan, and if a blockade is done in Seeto Guno Chowk then the said Pick up vehicle along with the driver of the pickup car can be arrested. The information is



believed to be solid and reliable. Thus, the unknown person who is driving the pickup vehicle by bringing the poppy husk, has committed an offence under Section 15/61/85 NDPS Act, on which the case is sent to the police station through PHG Ratan Lal No. 6608. After registration of the case, the case number be informed. A special report should be issued. PCR Fazilka should be notified I am busy in the investigation along with fellow employees. Sd/- Manjit Singh ASI Incharge.”

3. Learned counsel for the petitioner contends that the FIR was initially registered against unknown persons. During the course of investigation, Swaran Singh was arrested by the police on 16.07.2022, being the owner of the vehicle. During the course of investigation, he suffered a disclosure statement and nominated Naveen Kumar, Rahul @ Pinnia, Nitin Kumar and Nirmal Kumar as the accused in the present case. Even the petitioner was not named by Swaran Singh as one of the accused. Learned counsel further submits that except the disclosure statement suffered by co-accused, there is no other admissible evidence against the petitioner and he was wrongly arrested by the police on 20.09.2024.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the petitioner and he does not deserve the concession of bail by this Court. However, he admits that Rahul @ Pinnia and Swaran Singh, co-accused have already been granted the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.



6. In the present case, the petitioner was arrested on 20.09.2024 and is in custody since then. Similarly placed co-accused, namely Rahul @ Pinnia and Swaran Singh have already been granted the concession of regular bail by this Court, vide orders Annexures P-2 and P-3 respectively, whereas, Naveen and Nitin, co-accused have been granted the concession of interim bail by this Court vide orders Annexures P-4 and P-5, respectively. Further, the conclusion of the trial may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

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

19.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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