

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.64864 of 2023
Date of decision: 18th March, 2024

Jaskaran Singh @ Manga

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sultan S. Gill, Advocates for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.248 dated 20.11.2023 under Sections 21, 29 of the NDPS Act, 1985, registered at Police Station Gharinda, District Amritsar Rural.

2. On the last date of hearing, i.e. 22.12.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“Learned counsel for the petitioner, inter alia, contends that the petitioner, who has clean antecedents, has been falsely implicated in the case in hand and that too on the basis of a second disclosure statement suffered by Lovepreet Singh, who too was nominated as an accused in the disclosure statement allegedly suffered by Gurdev Singh, from whom a recovery of 63 grams of heroin was effected. Learned counsel submits that the evidentiary value

of such disclosure statement is of a weak nature and all this requires to be appreciated in the light of the petitioner not being involved in any other criminal case much less under the NDPS Act.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 22.12.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Amrik Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. On a pointed query put to the learned State counsel, he on instructions has not disputed that the petitioner has clean antecedents and is not involved in any other criminal case, much less under the NDPS Act.

6. In the circumstances, the petition is allowed and the interim order dated 22.12.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

March 18, 2024
rps

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