

CRM-M-58115-2024

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2025.PHHC.016481



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

CRM-M-58115-2024

Date of Decision:04.02.2025

JAGVIR SINGH ALIAS JAGGA

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Arshpreet Khadial, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.44 dated 03.05.2024 registered for the offences punishable under Sections 22 of NDPS Act and Section 29 of NDPS Act added later on at Police Station Mehatpur, District Jalandhar (Rural), Punjab.

2. The allegations in nutshell are that police apprehended co-accused Gurjit Singh @ Jassi along with 120 tablets of Etizolam on 03.05.2024 and thereafter the petitioner was nominated as an accused on the basis of disclosure statement suffered by said Gurjit Singh @ Jassi and the present petitioner was arrested on 03.08.2024.



3. Counsel appearing on behalf of petitioner submits that disclosure statement, if any, suffered by co-accused Gurjit Singh @ Jassi against the present petitioner is inadmissible in evidence and further the petitioner is behind bars for the last more than 6 months and during investigation no contraband is recovered at the instance of present petitioner. It is further submitted that police has failed to present challan against the accused persons including the present petitioner and further the main accused Gurjit Singh @ Jassi is already enlarged on bail. That in the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel, who on instructions from ASI Balkar Singh submits that police arrested co-accused Gurjit Singh @ Jassi and recovered commercial quantity of medical intoxicants from him on 03.05.2024 and the name of the present petitioner surfaced in the disclosure statement suffered by said Gurjit Singh @ Jassi and thereafter present petitioner was arrested and is in custody for the last about 6 months. However, the State counsel has not disputed the fact that no contraband is recovered from the conscious possession or at the instance of the present petitioner during investigation of this case and further at present the petitioner is lodged in judicial custody and as the investigation is still in progress, the police has not presented challan against both the accused persons including the present petitioner. The State counsel apprised the Court that petitioner is



involved in one another case under NDPS Act wherein also he is lodged in jail.

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

6. The veracity and admissibility and relevance of the disclosure statement, if any, suffered by co-accused against the present petitioner is subject matter of the trial. Admittedly, in the present case the petitioner is in custody for the last about 6 months and no contraband or any other incriminating article is recovered at the instance of the petitioner. It will take time for the trial to terminate even after the presentation of the challan. In the given circumstances, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. Even the main accused Gurjit Singh @ Jassi is also stated to be given benefit of regular bail by the Court concerned.

8. In light 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.

04.02.2025

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No