

IN THE COURT OF JAAPINDER SINGH JUDGE, SPECLAL COURT, FAZILKA. (UID NO.PB0235)

Case Details

Case Type	BA
Regn. No.	BA-175-2024
CNR No.	PBFZC000-0456-2023
Date of order	25.01.2024.

Jatinder Singh, aged about 38 years son of Daljeet Singh resident of village Chak Balochan Wala, Tehsil Jalalabad, District Fazilka.

...Applicant.

Versus

State of Punjab

...Respondent.

FIR No.7 dated 07.01.2023
U/s. 21(c)23//29 of NDPS Act
Police Station Sadar Fazilka.

Bail application Under Section 439 Cr.PC.

Present: Shri Raj Kumar Verma, Advocate counsel for applicant.
Shri B.S. Bhatti, Additional PP for the State.

ORDER:

1. Present application filed on behalf of applicant-accused Jatinder Singh seeking regular bail in the matter, details of which have been referred above, shall be disposed of through this order.
2. Learned Additional Public Prosecutor has appeared on behalf of the state today upon notice in the application, but he has not sought to file any written reply to the application and has opposed/contested the same orally. Record of the police file has been produced by SI Kulwant Singh, No. 555/FZK, CIA Staff, Fazilka.
3. Arguments of learned counsel for the applicant-accused and of learned Additional PP for the state have been heard in the matter and record of the matter has been perused.
4. The facts of the matter, as per contents of the FIR and other documents/papers, are that FIR in the present matter was registered upon stated recovery of 31.020kg of heroin from total 29 packets from car

make Verna bearing RC No. UP-80CD-0023 and two occupants of the car, namely, non-applicant/co-accused Harmeet Kamboj and Paramjeet Singh @ Pamma, were arrested at the spot.

5. It follows from a careful appreciation of rival contentions of learned counsel for the applicant-accused as well as learned APP for the state that present applicant-accused Jatinder Singh is shown to have been nominated in the matter on the basis of disclosure attributed to non-applicant Paramjeet Singh @ Pamma indicting present applicant-accused Jatinder Singh and one co-accused Kirpal Singh as involved in smuggling of contraband heroin from across the border. Though, no contraband is alleged to have been recovered from the applicant-accused, investigations are still pending qua him and before completion of the same, it can not be commented to the effect that no reasonable basis exist for his listing in the matter. It can not be commented at this stage that rigors of section 37 of NDPS Act are not attracted in the matter, qua applicant-accused. It is stated in the application and has been argued by learned counsel for the applicant-accused that mere disclosure of the co-accused was not sufficient for prosecution of a person in a criminal matter as said disclosure was inadmissible under the provision of Indian Evidence Act. However, it shall be known only after the completion of investigations qua applicant-accused as to whether there emerges some legal and convincing basis for his prosecution or not. At this stage, considering extremely heavy quantity of contraband recovered in the matter from co-accused, no ground is made out for grant of bail to the applicant-accused as he is also alleged to be involved in the alleged trafficking.

Accordingly, bail application stands dismissed. Bail application file complete in all respects is ordered to be attached with the remand papers/main file.

Pronounced in open Court.
Dated:25.01.2024.
Jasvir Steno

(Jaapinder Singh),
Judge, Special Court,
Fazilka : UID no.PB0235