

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29917-2015

Date of Decision: September 29, 2015

Jaskir Singh @ Jaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Paramjit Singh Jammu, Advocate,
for the petitioner.

Mr. P.S. Ghuman, Addl. AG, Punjab,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Jaskir Singh @ Jaggi,
son of Gulzar Singh, resident of Ramuwal Colony, Police Station,
Mehatpur, District Jalandhar, who has been booked for having
committed the offence punishable under Section 22 of the
Narcotic Drugs and Psychotropic Substances Act, 1985, in a case
arising out of FIR No. 127, dated 23.9.2013, registered at Police
Station, Mehatpur, District Jalandhar.

Learned counsel contends that it is third petition for grant of bail to the petitioner; the earlier petition was not pressed on merits and the same was withdrawn on 12.9.2014; despite twelve effective opportunities, the prosecution has not been able to examine its entire evidence; only two prosecution witnesses have been examined so far; all the prosecution witnesses are police officials; seventy grams of Methamphetamine salt was allegedly recovered from the petitioner, which was slightly above the limit of non-commercial quantity of fifty grams; the petitioner is neither required nor involved in any other case; and that the petitioner undertakes not to repeat the offence during the bail period.

Learned counsel for the State though opposed grant of bail to the petitioner on the premise that the quantity of the salt recovered from the petitioner was much more than fifty grams, the limit of non-commercial quantity and that after release on bail, the petitioner may indulge in repeating the crime.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Concededly, the petitioner is behind the bars from 23.9.2013; as many as seven witnesses have been cited by the prosecution and all of them are police officials; the prosecution has examined only two witnesses despite twelve effective opportunities and that further incarceration of the petitioner would be of no consequence.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Jaskir Singh @ Jaggi, son of Gulzar Singh, resident of Ramuwal Colony, Police Station, Mehatpur, District Jalandhar, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds in the sum of ₹1,00,000/- (Rupees one lac only) with two sureties in the like amount, to the satisfaction of learned Judge, Special Court, Jalandhar.

After release on bail, in case the petitioner indulge himself in trafficking of Narcotic Drugs and Psychotropic Substances, then the prosecution would be free to move an application for cancellation of his bail.

(NARESH KUMAR SANGHI)
JUDGE

September 29, 2015
Pkapoor