

CRM-M- 19020-2017

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

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Date of Decision: 31.05.2017

Jarnail Ram alias Jaila

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Sarika Gupta, Advocate,
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Jarnail Ram alias Jaila has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.152 dated 29.12.2015, registered at Police Station Mehtiana, District Hoshiarpur, under Section 21 of the NDPS Act, 1985.

Notice of motion has been issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that as per the prosecution version, 12 mobile phones, ₹12,400/- in cash and one weighing scale were recovered from the petitioner. However, intoxicant powder weighing

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260 grams was recovered from the purse of Bimla Devi @ Bibo, wife of the present petitioner.

The petitioner has been in custody since 22.02.2017. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find that there are debatable issues as to whether the petitioner was having knowledge of the intoxicant powder which was recovered from the purse of his wife and whether he can be held as in conscious possession of the same and the same are yet to be proved by the prosecution before the trial Court by leading cogent evidence. Therefore, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

31.05.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No