

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

**CRM-M No.1003 of 2018 (O&M)
Decided on: 17.01.2018**

Jaspal Singh @ Pala

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Manjot Kaur, Advocate
for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.73 dated 12.07.2017, for offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') registered at Police Station Bhikhi, District Mansa.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 12.07.2017 and is not required for any further custodial interrogation as challan has already been presented and no prosecution witness has been examined so far. It is further submitted that it is a debatable issue as to whether the alleged recovery of 04 bags from the petitioner which, as per the version given in the FIR, were kept in an open place near a canal are in conscious possession of the petitioner or not.

Counsel for the State has filed the custody certificate today in the Court. It is submitted by counsel for the State, on instructions

from ASI Pradeep Kumar, that as per the custody certificate, the petitioner is not involved in any other case.

Without commenting anything on merits of the case and considering the fact that the petitioner is in custody since 12.07.2017; challan has already been presented; he is not required for any further investigation; no independent witness was joined in the investigation; the prosecution evidence is yet to start and conclusion of the trial is likely to take some time, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

17.01.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No