

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

**CRM-M No.13278 of 2018
Decided on: 07.09.2018**

Jasvir Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. K.S. Brar, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0066 dated 24.04.2017, for offence punishable under Section 22 of the Narcotic Drug and Psychotropic Substances Act, 1985 (in short 'the NDPS Act'), registered at Police Station Kartarpur, District Jalandhar Rural.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 30.04.2017 and out of 10 prosecution witnesses, only 03 PWs have been examined.

Counsel for the petitioner has placed on record the copy of the orders dated 25.01.2017 and 05.08.2017 passed by the Judge, Special Court, Jalandhar, pertaining to FIR No.111 dated 29.09.2016 registered under Section 22/61/85 of the NDPS Act at Police Station Kartarpur, Jalandhar, in which the petitioner was initially granted

interim bail and later on, his interim bail was confirmed.

Counsel for the State, on the basis of the Custody Certificate dated 03.04.2018, has submitted that since the petitioner is involved in one more case i.e. FIR No.111 dated 29.09.2016, he may repeat the offence, in case enlarged on bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody since 30.04.2017; the case is still at the stage of recording the prosecution evidence; it will take some time in conclusion of the trial and also in view of the fact that the petitioner is on bail in FIR No.111 dated 29.09.2016, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate.

However, it is made clear that in case, the petitioner is found involved in any other FIR under the NDPS Act, the bail granted to him in the present FIR i.e. FIR No.0066 dated 27.04.2017 as well as in FIR No.111 dated 29.09.2016, by the Judge, Special Court, Jalandhar, shall stand automatically cancelled.

(ARVIND SINGH SANGWAN)
JUDGE

07.09.2018

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