

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

**Criminal Misc. No. M-24525 of 2018
Date of decision: 29.10.2018**

Jasveer Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. G.S. Sandhu, Advocate and
Mr. M.N. Jagoria, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

Daya Chaudhary, J.

Petitioner-Jasveer Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.251 dated 04.11.2017 registered under Section 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Lambi District Sri Muktsar Sahib during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved in commission of offence. The petitioner was not arrested at the place of occurrence as he has been alleged to have run away from the place of occurrence by using the stairs. As per allegations levelled in the FIR, one plastic bag was recovered and on the search of that bag, intoxicating tablets were recovered. Learned counsel further submits that no recovery was

effected from the conscious possession of the petitioner and it was effected from the house, which even does not belong to him. Even the petitioner has no concern with the village as he is not permanent resident of that village. Learned counsel also submits that wife of the petitioner was residing separately and it was not in the knowledge of the petitioner as to where she was residing. The petitioner has been implicated in the case being husband and by considering in the category of person, who ran away from the place of occurrence. The petitioner is in custody 23.12.2017 and no other case under NDPS Act is pending against him. All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the record.

Learned State counsel has not disputed the custody period as well as the fact that no other case under NDPS Act is pending against the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner that the petitioner was not arrested at the place of occurrence and was arrested subsequently; the recovery was effected from the house, which does not belong to the petitioner; the fact that the petitioner is in custody since 23.12.2017; no other case under NDPS Act is pending against him; the trial may take time to conclude; all the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses and no purpose would be served by keeping the petitioner in

custody, the present petition is allowed and the petitioner (Jasveer Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

29.10.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes