

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-27909-2018

Date of Decision: 10.12.2018

Ajaib Singh @ Jaiba

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate for the petitioner.

Mr. AS Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Ajaib Singh @ Jaiba, has prayed for grant of regular bail in case FIR No. 20 dated 27.02.2018 registered under Section 15 of the NDPS Act at Police Station Mehna, District Moga.

According to the prosecution, the petitioner in pursuance of his disclosure statement got recovered 65 Kgs. of poppy husk from the disclosed place, during investigation in case FIR No. 97 dated 27.09.2017 registered under Sections 15, 25 and 29 of the NDPS Act at Police Station Mehna, District Moga.

Learned counsel *inter alia* contends that the petitioner has falsely been implicated in the instant case. When he had gone to join investigation in aforesaid FIR No. 97 dated 27.09.2017, pursuant to the order of this Court dated 22.02.2018 (Annexure P-2) passed in CRM-M-

7571-2018, he was arrested in the present FIR. The recovery of contraband effected from the petitioner is marginally higher than the 'non-commercial quantity'. The petitioner is in custody since 27.02.2018. Conclusion of trial may take long time. No useful purpose would be served by detaining the petitioner in jail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Ajaib Singh @ Jaiba, is ordered to be released on bail pending trial, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

December 10, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No