

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

**Criminal Misc. No. M-42524 of 2018
Date of decision: 22.11.2018**

Jaswinder Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. R.S. Randhawa, Advocate
for the petitioner.

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

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Jaswinder Singh under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.180 dated 08.08.2017 registered under Section 15 of the the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar, District Ludhiana, Punjab.

Learned counsel for the petitioner submits that the petitioner was not arrested at the spot and as per allegations, two persons have been shown to have fled away from the place of occurrence whereas it was not practically possible to run in the presence of Police party. Learned counsel further submits that the petitioner himself surrendered and nothing was recovered from him. Two FIRs were registered within the span of three minutes i.e. the present FIR and FIR No.181 dated 08.08.2017 wherein the petitioner has already been released on regular bail by this Court vide order dated 03.05.2018 passed in Criminal Misc. No. M-10362 of 2018. Other than both these cases, no other case is pending against the petitioner. Learned counsel also submits that the petitioner is in custody since

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02.09.2017 and all the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. The trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period as well as lodging of other FIR and the fact that the petitioner is on bail in FIR No.181 dated 08.08.2017.

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 including the order granting bail to the petitioner in FIR No.181 dated 08.08.2017.

Admittedly, the petitioner was not arrested at the spot and subsequently, he surrendered himself. The petitioner is in custody since 02.09.2017 and no other case is pending against him except the aforesaid two FIRs registered within the span of three minutes. All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. The trial may take time to conclude and no purpose would be served by keeping the petitioner in custody.

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

22.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No