

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

Hemlata
2018.04.19 17:42
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(i) CRM-M-44748-2017 (O&M)
Date of decision: 18.04.2018

Jarnail Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

(ii) CRM-M-45817-2017(O&M)

Charanjit Singh @ kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Naveen Batra, Advocate
for the petitioner (in CRM-M-44748-2017)

Mr. Ishan Sharma, Advocate
for the petitioner (in CRM-M-45817-2017).

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in these petitions is for grant of regular bail to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in case FIR No. 07 dated 25.02.2017 under Section 15/61/85 of NDPS Act, registered at Police Station Pojewal, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioners submits that both the petitioners are in judicial lock up since 25.02.2017 and even after expiry of more than 01 year, no prosecution evidence has been recorded so far. It is further submits that the alleged recovery from both the petitioners is 76 kg of poppyhusk.

Learned counsel for the petitioner (In CRM-M-44748-2017) submits that the petitioner-Jarnail Singh is not involved in any other case and learned counsel for the petitioner (In CRM-M-45817-2017) submits that the petitioner – Charanjit Singh @ Kaka was involved in another FIR No.113 where the alleged recovered from the petitioner is of non-commercial quantity and he has already undergone the sentence of 45 days.

Learned counsel for the petitioners has referred to the order dated 11.08.2017 passed in CRM-M-15493-2017 vide which, in a similar circumstances, the concession of regular bail was granted to the accused person as prosecution has failed to lead evidence even after the expiry of a period of more than one year.

Learned State counsel has filed an affidavit of Deputy Superintendent of Police Balachaur regarding the status of the case and submits that no other case is pending against both the petitioners.

Without commenting on the merits of the case, considering the fact that both the petitioners are in judicial lock up since 25.02.2017 and the prosecution evidence is yet to be started; the conclusion of the trial will take long time; both the petitions are allowed and the petitioners are ordered to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

18.04.2018
Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No