

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

CRL. MISC. No.M-49914 OF 2017
DATE OF DECISION : 2nd FEBURARY, 2018

Jaswinder Singh Dhillon

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Sahil Puri, Advocate for the petitioner.

Mr. H. S. Sullar, Deputy Advocate General, Punjab.

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A. B. CHAUDHARI, J. (ORAL)

CRM-3414-2018

The application is allowed and Annexure P-9 is taken on record, subject to all just exceptions.

CRL. MISC. No.M-49914 OF 2017

This is second petition by the petitioner for regular bail in case FIR No.197 dated 20.11.2015 registered under Sections 22/61/85 of Narcotics Drugs & Psychotropic Substances Act registered at Police Station Sadar, District Kapurthala.

Heard learned counsel for the rival parties.

I have perused the evidence of PW-1 HC Thakur Singh, No.609 Kpt. PP Industry Area, Phagwara, PS City, Phagwara, District Kapurthala. The cross-examination of the said witness i.e. Investigating Officer, has been seen by me. He says that the intoxicant power was

recovered from the right pocket of the accused and after seeing the police party he tried to run away. Thereafter, the Investigating Officer did not call for any Gazetted Officer or Magistrate and conducted the search of the petitioner himself.

The petitioner was arrested on 20.11.2015 and is in jail since then as under trial. The prosecution case against the petitioner is that the petitioner was arrested with intoxicant powder.

In my opinion the prima facie case is not made out against the petitioner. The trial will take time for disposal, therefore, no useful purpose will be served by continuing the detention of the petitioner in jail pending trial. In that view of the matter, I make the following order:

ORDER

- (i) CRL. MISC. No.M-49914 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.
- (iii) The petitioner to surrender his passport with the trial Court, if he possesses the same.

2nd FEBURARY, 2018
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>