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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11919-2019

Date of decision-08.07.2019

Jasvir Singh @ Kala

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.C.Sharma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl.AG, Punjab assisted by
ASI Balbir Singh.

MANOJ BAJAJ, J.

Petitioner-Jasvir Singh @ Kala has prayed for grant of regular bail in case FIR No.157 dated 28.08.2015 under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act registered at Police Station Sadar Kapurthala, District Kapurthala.

The petitioner was granted the concession of interim bail on 16.10.2015 as the FSL report was not submitted.

Learned counsel for the petitioner contends that the FSL report was filed and the same was not informed to the petitioner. Resultantly, the Court proceeded to declare him proclaimed offender by treating him absent with effect from 22.02.2018.

Originally the interim bail was granted on 16.10.2015 on the ground that the FSL report was not filed, thereafter, the FSL was filed in

February, 2018. As the petitioner was not aware of this fact, therefore, the Court proceeded to declare him a proclaimed offender and was arrested on 05.09.2018.

On the other hand, learned State counsel assisted by ASI Balbir Singh has opposed the bail application. He states that the recovered contraband is marginally over and above the non-commercial quantity i.e.60 grams of diphenoxylate hydrochloride. Further, the charges are yet to be framed.

Considering the above background and the fact that the trial is likely to take sometime, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case, petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Kapurthala.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

08.07.2019

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