

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

213

CRM-M-11929-2019 (O & M)
Date of Decision:05.04.2019

Jita Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.(ORAL)

Petitioner-Jita Singh has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.165 dated 22.12.2018, under Sections 21/22/29 of the NDPS Act, registered at Police Station Barnala, District Barnala.

Learned counsel for the petitioner contends that the FIR is based on secret information, wherein it was informed that the petitioner and his mother namely Bholi Kaur are engaged in selling of intoxicant tablets (Tramadol). Acting upon the same, a raid was conducted at the residence of Bholi Kaur and 5,000 strips (50,000 tablets) were recovered. It is contended by learned counsel that the said information and FIR is of 22.12.2018 and the petitioner was already in custody in case FIR No.164 dated 20.12.2018 under Section 61/1/14 of the Excise Act, registered at Police Station Barnala. It is contended that since the petitioner is already in custody, therefore, the said recovery from the mother of the petitioner already effected cannot be attributed to him also.

On the other hand, the bail application is opposed by the learned State counsel on instructions from SI Kaur Singh on the ground that the petitioner is also resident of the same house. However, it is not disputed that at the time of recovery petitioner was already in judicial custody in some other case. It is further pointed out that the FSL report has been received which indicates that the alleged tablets fall within the ambit of NDPS Act. It is further apprised that the investigation is almost complete and the challan is to be filed in near future.

Considering the above background and the fact that the petitioner was already in judicial custody in some other case and the trial of this case is likely to consume some time, this Court does not find any reason to further detain the petitioner in custody. Therefore, without meaning any expression on the merits of the case, the 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 concerned.

The petition is allowed.

05.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No