

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31747-2018

Date of decision: 25.01.2019

Jaswant Singh @ Deepak @ Fauji

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.115 dated 25.05.2018 under Sections 22/61/85 of NDPS Act, registered at Police Station Kotwali, Bathinda, District Bathinda.

Learned counsel for the petitioner submits that the petitioner is in custody since 25.05.2018; he is not involved in any other case under NDPS Act and charges have been framed, however, out of total 12 prosecution witnesses, none has been examined so far. It is further argued that as per version given in the FIR, the Investigating Officer/ASI Sandhura Singh, while on patrolling duty, had seen a man carrying a black polythene bag. On seeing the police party, he threw the bag and started running away. The Investigating Officer along with co-officials nabbed him and he disclosed his identity as Jaswant Singh @ Deepak @ Fauji. Thereafter, the Investigating Officer picked up the

polythene bag and found 11 bottles of ROSCOF weighing 100 ml each. Learned counsel further submits that from the allegations levelled in the FIR, it is yet to be proved during the trial whether the petitioner was in conscious possession of the same, especially in view of the fact that complainant and the Investigating Officer are same.

Learned State counsel, on instructions from ASI Khushpreet Singh, has opposed the prayer for bail on the ground that the petitioner is involved in three other FIRs under Section 380 IPC, however, he is on bail in these cases.

Without commenting anything further on merits of the case, considering the fact that the petitioner is in judicial custody since 25.05.2018; he is not involved in any other case under NDPS Act; prosecution evidence is yet to start and considering the submissions made by learned counsel for the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

25.01.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No